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Rebecca McDowell Cook

Secretary of State

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations

EMERGENCY AMENDMENT

11 CSR 45-11.110 Refund—Claim for Refund. The commission is amending sections (1), (4) and (7).

PURPOSE: This amendment changes the procedures for refunds due to overpayment to rectify problems identified in a recent review by the State Auditor's Office. The rule allows for an expedited refund process where there is no factual dispute as to whether a refund is due.

*EMERGENCY STATEMENT: This amendment streamlines the process for issuing tax credits. Currently the Commission has a backlog of tax credits where there is no dispute of material fact between the Commission staff and the taxpayer regarding whether the credit is due. This has created an unnecessary backlog of tax credit cases and has interfered with the Commission's ability to conduct hearings in other tax and licensing cases where there are substantive factual and legal disputes. This backlog has resulted in a negative audit finding from the State Auditor's office. Because excursion gambling boats are required to submit taxes on a weekly basis, the backlog can build quickly and the current hearing process is very costly to both the state and the taxpayer. Because of the tremendous unnecessary expense created by the current system the Commission finds that an immediate danger to the public health, safety and welfare exists. The Commission has followed procedures calculated to assure fairness to all interested persons and parties under the circumstances. The Commission has notified the affected licensees of its intentions regarding this amendment and has reviewed the matter with the State Auditor's Office and the Attorney General. All affected parties have indicated that the Commission's proposal is reasonable. This amendment complies with the protections extended by the **Missouri** and **United States Constitutions**. The scope of this amendment is limited to matters where there are no material facts in dispute. Emergency amendment filed June 5, 2000, effective June 16, 2000, expires February 22, 2001.*

(1) If a tax or fee, penalty or interest has been paid *[by reason of anything other than a clerical error or mistake on the part of the commission (for example, paid more than once, erroneously or illegally collected, or erroneously or illegally computed)]* **by a licensee that is in excess of the amount owed**, the licensee may file a claim for refund or credit. No such claim for refund or credit shall be allowed unless duplicate copies of the claim are filed within three (3) years from the date of overpayment. No claim will be considered unless filed within that time. The three (3)-year period of limitation for the credit or refund begins with the date the licensee pays taxes to the commission on account of the adjusted gross receipts in question or with the date the licensee pays fees to the commission on account of the tickets of admission in question.

(4) A claim for credit or refund shall be approved only—

(B) After the director has determined, in his/her discretion, that *[the reason that the refund or credit was claimed is solely due to a clerical or typographical error by the licensee and that]* **there are** no material facts *[are]* in dispute **regarding the validity of the refund or credit claim**, and the director then, in his/her discretion, issues an order setting forth findings of fact, conclusions of law and an order granting the claim for refund or credit.

(7) The claim for refund or credit forms may be requested by writing to Missouri Gaming Commission, *[11775 Borman Drive, St. Louis, MO 63146]* **P.O. Box 1847, Jefferson City, MO 65102**.

*AUTHORITY: sections 313.004, 313.800, 313.805 and 313.822, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Emergency amendment filed June 5, 2000, effective June 16, 2000, expires Feb. 22, 2001. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

EMERGENCY AMENDMENT

19 CSR 20-20.010 Definitions Relating to Communicable, Environmental and Occupational Diseases. The department is amending sections (5), (7), (12), (30) and (31), deleting sections (3), (14), (23) and (34), adding new sections (2), (6), (23), (25), (34), (36) and (37), and renumbering affected sections.

PURPOSE: This amendment updates definitions pertaining to communicable, environmental, and occupational diseases and deletes the section that would have ended this rule on June 30, 2005.

*EMERGENCY STATEMENT: On January 1, 2000, the CDC changed its rules to require reporting of HIV viral load measurements, all tests required for the tracking of perinatally-exposed infants, and Q fever. The CDC requirements went into effect immediately. Cyclosporidiosis, yellow fever, and varicella deaths were designated as reportable conditions by CDC prior to January 1, 2000, but have not yet been added to Missouri's list of reportable conditions. Those changes are incorporated in 19 CSR 20-20.020. This rule contains definitions of terms used in 19 CSR 20-20.020: adult respiratory distress syndrome, cluster, laboratory, local public health agency, terrorist event, unusual diseases, and unusual manifestation of illness. The MDOH needs these rules to be in effect immediately to ensure consistent disease reporting with CDC. Further, the reporting requirements in this rule will expire on June 30, 2000. Therefore, the MDOH needs its rules to continue disease reporting without interruption in order to protect the public health and safety. The amendment will alleviate this danger, as it will require all conditions that are nationally notifiable to be reported to health authorities. The MDOH finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The MDOH believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed June 1, 2000, effective June 15, 2000, and expires December 11, 2000.*

(2) Adult respiratory distress syndrome (ARDS) is a syndrome with the following simultaneous characteristics:

(A) Hypoxemia due to intrapulmonary shunting of blood;

(B) Increased lung stiffness; and

(C) Chest x-ray evidencing diffuse infiltration.

*[(2)]***(3)** Board is the State Board of Health.

[(3) Carbon monoxide poisoning is defined as a carboxyhemoglobin level greater than fifteen percent (> 15%).]

(5) Case, as distinct from a carrier, is a person in whose tissues the etiologic*[al]* agent of a communicable disease is *[lodged]* **present** and which usually produces signs or symptoms of disease. Evidence of the presence of a communicable disease also may be revealed by routine laboratory findings.

(6) Cluster is a group of individuals who manifest the same or similar signs and symptoms of disease.

*[(6)]***(7)** Communicable disease is an illness due to an infectious agent or its toxic products and transmitted, directly or indirectly, to a susceptible host from an infected person, animal or arthropod, or through the agency of an intermediate host or a vector, or through the inanimate environment.

*[(7)]***(8)** Contact is a person or animal that has been in association with an infected person or animal and through that association has had the opportunity *[of]* **to** acquire*[ing]* the infection.

*[(8)]***(9)** Designated representative is any person or group of persons appointed by the director of the Department of Health to act on behalf of the director or the State Board of Health.

*[(9)]***(10)** Director is the state Department of Health director.

*[(10)]***(11)** Disinfection is the killing of pathogenic agents outside the body by chemical or physical means, directly applied.

(A) Concurrent disinfection is disinfection immediately after the discharge of infectious material from the body of an infected person or after the soiling of articles with the infectious discharges.

(B) Terminal disinfection is the process of rendering the personal clothing and immediate physical environment of a patient free from the possibility of conveying the infection to others after the patient has left the premises or after the patient has ceased to be a source of infection or after isolation practices have been discontinued.

*[(11)]***(12)** Environmental and occupational diseases are illnesses or adverse human health effects resulting from exposure to a chemical, radiological or physical agent.

*[(12)]***(13)** Exposure is defined as *[the]* **contact with,** absorption, ingestion or inhalation of chemical, **biologic,** radiologic*[al]***,** or **other** physical agents by a human that results in biochemical, physiological or histological changes.

*[(13)]***(14)** Food is any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use in whole or in part for human consumption.

[(14) Health department is a legally constituted body provided by city, county or group of counties to protect the public health of the city, county or group of counties.]

(18) Hypothermia means a physician-diagnosed case of cold injury associated with a fall of body temperature to less than ninety-four and one-tenth degrees Fahrenheit (94.1°F) and resulting from *[unintentional]* exposure to a cold environment.

(23) Laboratory means a facility for the biological, microbiological, serological, chemical, immuno-hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of a human. These examinations also include procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body. Facilities only collecting or preparing specimens (or both) or only serving as a mailing service and not performing testing are not considered laboratories. Laboratory includes hand-held testing equipment. All testing laboratories must be certified under the Clinical Laboratories Improvement Amendment of 1988 (CLIA—42 CFR part 493).

[(23) Lead exposure means the laboratory determination of a human whole blood lead level greater than or equal to ten micrograms per deciliter (≥10 µg/dl) in persons under age eighteen (< 18) and greater than or equal to twenty-five micrograms per deciliter (≥25 µg/dl) in persons age eighteen (18) or older.]

(25) Local public health agency is a legally constituted body provided by a city, county or group of counties to protect the public health of the city, county or group of counties.

*[(25)]***(26)** Outbreak or epidemic is the occurrence in a community or region of an illness(es) similar in nature, clearly in excess of normal expectancy and derived from a common or a propagated source.

*[(26)]***(27)** Period of communicability is the period of time during which an etiologic agent may be transferred, directly or indirectly,

from an infected person to another person or from an infected animal to a person.

*[(27)]***(28)** Person is any individual, partnership, corporation, association, institution, city, county, other political subdivision authority, state agency or institution or federal agency or institution.

*[(28)]***(29)** Pesticide poisoning means human disturbance of function, damage to structure or illness which results from the inhalation, absorption or ingestion of any pesticide.

*[(29)]***(30)** Poisoning means injury, illness or death caused by chemical means.

*[(30)]***(31)** Quarantine is a period of detention for persons or animals that may have been exposed to a reportable disease. The period of time will not be longer than the longest period of communicability of the disease. The purpose of quarantine is to prevent effective contact with the general population.

(A) Complete quarantine is a limitation of freedom of movement of persons or animals exposed to a reportable disease, for a period of time not longer than the longest period of communicability of the disease, in order to prevent effective contact with the general population.

(B) Modified quarantine is a selective, partial limitation of freedom of movement of persons or *[domestic]* animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the closure of schools and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease from engaging in a particular occupation.

*[(31)]***(32)** Reportable disease is any disease or condition for which an official report is required. Any unusual *[group]* expression of illness **in a group of individuals** which may be of public health concern is reportable and shall be reported to the local health department, local health authority or the Department of Health by the quickest means.

*[(32)]***(33)** Small quantity generator of infectious waste is any person generating one hundred kilograms (100 kg) or less of infectious waste per month and as regulated in 10 CSR 80.

(34) Terrorist event is the unlawful use of force or violence committed by a group or individual against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Terrorist attacks are classified as chemical, biological, or radiological.

(A) Chemical means any weapon that is designed or intended to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.

(B) Biological means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product.

(C) Radiological means any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

*[(33)]***(35)** Toxic substance is any substance, including any raw materials, intermediate products, catalysts, final products or by-products of any manufacturing operation conducted in a commercial establishment that has the capacity through its physical, chemical or biological properties to pose a substantial risk of death or impairment, either immediately or later, to the normal functions of humans, aquatic organisms or any other animal.

(36) Unusual diseases—Examples include but are not limited to the following:

(A) Diseases uncommon to a geographic area, age group, or anatomic site;

(B) Cases of violent illness resulting in respiratory failure;

(C) Absence of a competent natural vector for a disease; or

(D) Occurrence of hemorrhagic illness.

(37) Unusual manifestation of illness—Examples include but are not limited to the following:

(A) Multiple persons presenting with a similar clinical syndrome at a steady or increasing rate;

(B) Large numbers of rapidly fatal cases, with or without recognizable signs and symptoms;

(C) Two or more persons, without a previous medical history, presenting with convulsions;

(D) Persons presenting with grayish colored tissue damage; or

(E) Adults under the age of fifty years, without previous medical history, presenting with adult respiratory distress syndrome (ARDS).

[(34) This rule will expire on June 30, 2005.]

*AUTHORITY: sections 192.006, **RSMo Supp. 1999**, and 192.020 and 260.203, RSMo 1994. This rule was previously filed as 13 CSR 50-101.010. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

EMERGENCY AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases. The Department of Health proposes to amend sections (1) through (8) and to delete section (10).

PURPOSE: This amendment: updates material incorporated into this rule by reference; modifies the type of information to be sent to local health authorities when a reportable disease or condition is confirmed or suspected; provides the requirement for local health authorities to treat patient information in a confidential manner; modifies the list of diseases and conditions that are reportable to the Missouri Department of Health as well as timeframes for reporting.

EMERGENCY STATEMENT: On January 1, 2000, the CDC changed its rules to require reporting of HIV viral load measurements, all tests required for the tracking of perinatally-exposed infants, and Q fever. The CDC requirements went into effect immediately. Cyclosporidiosis, yellow fever, and varicella deaths were designated as reportable conditions by CDC prior to January 1, 2000, but have not yet been added to Missouri's list of reportable conditions. The MDOH needs this rule to be in effect immediately to ensure consistent disease reporting with CDC. Further, the reporting requirements in this rule will expire on June 30, 2000. Therefore, the MDOH needs this rule to continue disease report-

ing without interruption in order to protect the public health and safety. The amendment will alleviate this danger, as it will require all conditions that are nationally notifiable to be reported to health authorities. The MDOH finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitutions****. The MDOH believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed June 1, 2000, effective June 15, 2000, and expires December 11, 2000.*

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Category I diseases or findings shall be reported to the local health authority or to the Department of Health within twenty-four (24) hours of first knowledge ***or suspicion*** by telephone, facsimile or other rapid communication. Category I diseases or findings are—

(A) Diseases, findings or agents that occur naturally or from accidental exposure:

[Acute chemical poisoning as defined in 56 FR 52166–52175
Anthrax
Botulism
Brucellosis
Cholera]
Diphtheria
[Group A Streptococcal disease, invasive]
[Haemophilus influenzae] ***Haemophilus influenzae*****, invasive** disease*[, invasive, including meningitis]*
Hantavirus **pulmonary syndrome**
[Hemolytic Uremic Syndrome, post-diarrheal]
Hepatitis A
Hyperthermia
Hypothermia
Influenza, suspected—nosocomial outbreaks and public or private school closures
Lead (blood) level greater than or equal to forty-five micrograms per deciliter (≥45 μg/dl) in any person equal to or less than seventy-two (≤72) months of age
Measles **(rubeola)**
Meningococcal disease, invasive*[, including meningitis]*
[Methemoglobinemia]
Outbreaks or epidemics of any illness, disease or condition that may be of public health concern
Pertussis
[Pesticide poisoning
Plague]
Poliomyelitis
[Psittacosis]
Rabies**, animal or human**
Rubella**, including congenital syndrome**
Staphylococcus aureus**, vancomycin resistant**
Syphilis**, including congenital syphilis**
Tuberculosis disease
Typhoid fever

(B) Diseases, findings or agents that occur naturally or that might result from a terrorist attack involving biological, radiological, or chemical weapons:

Adult respiratory distress syndrome (ARDS) in patients under 50 years of age (without a contributing medical history)
Anthrax
Botulism
Brucellosis
Cholera
Encephalitis, Venezuelan equine
Glanders
Hemorrhagic fever (e.g., dengue, yellow fever)
Plague
Q fever
Ricin
Smallpox (variola)
Staphylococcal enterotoxin B
T-2 mycotoxins
Tularemia

(2) Category II diseases or findings shall be reported to the local health authority or the Department of Health within three (3) days of first knowledge ***or suspicion***. Category II diseases or findings are—

Acquired immunodeficiency syndrome (AIDS)
Arsenic poisoning
Blastomycosis
[Cadmium poisoning]
Campylobacter infections
Carbon monoxide poisoning
CD4+ T cell count
Chancroid
Chemical poisoning, acute, as defined in the most current ATSDR CERCLA Priority List of Hazardous Substances; if terrorism is suspected, refer to section (1)(B)
[Chlamydia trachomatis] ***Chlamydia trachomatis*****,** infections
Creutzfeldt-Jakob disease
Cryptosporidiosis
Cyclosporidiosis
[E. coli O157:H7]
Ehrlichiosis**, human granulocytic or monocytic**
Encephalitis, arthropod-borne **[except VEE, see section (1)(B)]**
Escherichia coli **O157:H7**
Giardiasis
Gonorrhea
Hansen disease (leprosy)
Heavy metal poisoning including, but not limited to, cadmium and mercury
Hemolytic uremic syndrome (HUS), post-diarrheal
Hepatitis B, acute
Hepatitis B *[S]*surface *[A]*antigen (prenatal HBsAg) **in** *[positive screening of]* pregnant women
Hepatitis C
Hepatitis non-A, non-B**, non-C**
Human immunodeficiency virus (HIV)-exposed newborn infant (i.e., newborn infant whose mother is infected with HIV)
Human immunodeficiency virus (HIV) infection, *[confirmed]* **as indicated by HIV antibody testing (reactive screening test followed by a positive confirmatory test),**
HIV antigen testing (reactive screening test followed by a positive confirmatory test), detection of HIV nucleic acid (RNA or DNA), HIV viral culture, or other testing that indicates HIV infection
Human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two years of age whose mothers are infected with HIV
Human immunodeficiency virus (HIV) viral load measurement (including nondetectable results)

Influenza**, laboratory-confirmed**
[Kawasaki disease]
Lead *[exposure greater than or equal to ten micrograms per deciliter (≥10 µg/dl) in persons under age eighteen (<18) or greater than or equal to twenty-five micrograms per deciliter (≥25 µg/dl) in persons age eighteen or greater (>18)]* **(blood) level less than forty-five micrograms per deciliter (<45 µg/dl) in any person equal to or less than seventy-two (≤72) months of age and any lead (blood) level in persons older than seventy-two (>72) months of age**
Legionellosis
Leptospirosis
[Listeria monocytogenes] ***Listeria monocytogenes***
Lyme disease
Malaria
[Meningitis, aseptic
Mercury poisoning]
Methemoglobinemia
Mumps
Mycobacterial disease other than tuberculosis (MOTT)
Nosocomial outbreaks
Occupational lung diseases including silicosis, asbestosis, byssinosis, farmer's lung and toxic organic dust syndrome
[Pertussis]
Pesticide poisoning
Psittacosis
Respiratory diseases triggered by environmental *[factors]* **contaminants** including environmentally or occupationally induced asthma and bronchitis
[Reye syndrome]
Rocky Mountain spotted fever
[Salmonella infections] **Salmonellosis**
[Shigella infections] **Shigellosis**
Streptococcal disease, invasive, Group A
***Streptococcus pneumoniae*, drug resistant invasive disease**
Tetanus
[T-Helper (CD4+) lymphocyte count on any person with HIV infection]
Toxic shock syndrome**, staphylococcal or streptococcal**
Trichinosis
Tuberculosis infection
[Tularemia]
Varicella deaths
[Yersinia enterocolitica] ***Yersinia enterocolitica***

(3) The occurrence of *[any]* **an** outbreak or epidemic of any illness**,** *[or]* disease **or condition** which may be of public health concern, including any illness in a food handler that is potentially transmissible through food*[,]***. This also includes public health threats that could result from terrorist activities such as clusters of unusual diseases or manifestations of illness and clusters of unexplained deaths. Such incidents** shall be reported to the local health authority or the Department of Health by telephone, facsimile, or other rapid communication within twenty-four (24) hours of first knowledge or suspicion.

(4) A physician, physician's assistant, nurse, hospital, clinic, or other private or public institution providing **diagnostic testing, screening or** care to any person *[who is suffering from]* **with** any disease, condition or finding listed in sections (1)–(3) of this rule, or who is suspected of having any of *[those]* **these** diseases, conditions or findings, shall make a case report to the local health authority or the Department of Health**,** or cause a case report to be made by their designee**,** within the specified time.

(A) A physician, physician's assistant, or nurse providing care **in an institution** to any patient*[,]* with any disease, condition or finding listed in sections (1)–(3) of this rule*[, in an institution]* may authorize, in writing, the administrator or designee of the institution to submit case reports on patients attended by the physician, physician's assistant, or nurse at the institution. But under no other circumstances shall the physician, physician's assistant, or nurse be relieved of this reporting responsibility.

(5) A case report as required in section (4) of this rule shall include the patient's name, **home** address **with zip code, date of birth,** age, sex, race, **home** phone number, name of the disease, condition or finding diagnosed or suspected, the date of onset of the illness, name and address of the treating facility (if any) and the attending physician, any appropriate laboratory results, name and address of the reporter, **treatment information for sexually transmitted diseases,** and the date of report.

(6) Any person in charge of a public or private school, summer camp or **child or adult** *[day]* care facility shall report to the local health authority or the Department of Health the presence or suspected presence of any diseases or findings listed in sections (1)–(3) of this rule according to the specified time frames.

(7) All local health authorities shall forward to the Department of Health reports of all diseases or findings listed in sections (1)–(3) of this rule. All reports shall be forwarded within twenty-four (24) hours after being received according to procedures established by the Department of Health director. **Reports will be forwarded as expeditiously as possible if a terrorist event is suspected or confirmed.** The local health authority shall retain from the original report any information necessary to carry out the required duties in 19 CSR 20-20.040(2) and (3).

(8) Information from patient medical records received by **local public health agencies or** the Department of Health **in compliance with this rule** is to be considered confidential records and not public records.

(10) *[This rule will expire on June 30, 2000.]* **The following material is incorporated into this rule by reference:**

(A) Agency for Toxic Substances and Disease Registry (ATSDR) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Priority List of Hazardous Substances (http://atsdr.cdc.gov:8080/97list.html)

*AUTHORITY: sections 192.006, **RSMo Supp. 1999** and 192.020, **192.139,** 210.040 and 210.050, RSMo 1994. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

EMERGENCY RESCISSION

19 CSR 20-20.080 Duties of Laboratories. This rule established the responsibility of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

PURPOSE: The purpose of this emergency rescission is to promulgate an emergency rule because extensive changes to its content and format require promulgation of a new rule.

EMERGENCY STATEMENT: On January 1, 2000, the CDC changed its rules to require reporting of HIV viral load measurements, all tests required for the tracking of perinatally-exposed infants, and Q fever. The CDC requirements went into effect immediately. Cyclosporidiosis, yellow fever, and varicella deaths were designated as reportable conditions by CDC prior to January 1, 2000, but have not yet been added to Missouri's list of reportable conditions. Those changes are incorporated in 19 CSR 20-20.020, which the emergency rule cross-references. The MDOH needs this rescission to be in effect immediately to ensure consistent disease reporting with CDC. Further, the reporting requirements in this rule will expire on June 30, 2000. Therefore, the MDOH needs this rescission to continue disease reporting without interruption in order to protect the public health and safety. The rescission will alleviate this danger, as it will require all conditions that are nationally notifiable to be reported to health authorities. The MDOH finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rescission is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitutions****. The MDOH believes this emergency rescission is fair to all interested persons and parties under the circumstances. The emergency rescission was filed June 2, 2000, effective June 15, 2000, and expires December 11, 2000.*

AUTHORITY: sections 192.006.1 and 192.020, RSMo 1994. This rule was previously filed as 13 CSR 50-101.090. Original rule filed July 15, 1948, effective Sept. 13, 1948. Amended: Filed Aug. 4, 1986, effective Oct. 11, 1986. Amended: Filed Aug. 14, 1992, effective April 8, 1993. Amended: Filed Sept. 15, 1995, effective April 30, 1996. Emergency rule filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Emergency rescission filed June 2, 2000, effective June 15, 2000, expires Dec. 11, 2000. A proposed rescission covering this same material is published in this issue of the ***Missouri Register****.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

EMERGENCY RULE

19 CSR 20-20.080 Duties of Laboratories

PURPOSE: This rule establishes the responsibility of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

EMERGENCY STATEMENT: On January 1, 2000, the CDC changed its rules to require reporting of HIV viral load measurements, all tests required for the tracking of perinatally-exposed infants, and Q fever. The CDC requirements went into effect immediately. Cyclosporidiosis, yellow fever, and varicella deaths were designated as reportable conditions by CDC prior to January 1, 2000, but have not yet been added to Missouri's list of reportable conditions. Those changes are incorporated in 19 CSR 20-20.020, which this rule cross-references. The MDOH needs this rule to be in effect immediately to ensure consistent disease reporting with CDC. Further, the reporting requirements in this rule will expire on June 30, 2000. Therefore, the MDOH needs this rule to continue disease reporting without interruption in order to protect the public health and safety. The rule will alleviate this danger, as it will require all conditions that are nationally notifiable to be reported to health authorities. The MDOH finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitutions****. The MDOH believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed June 1, 2000, effective June 15, 2000, and expires December 11, 2000.*

(1) The director or person in charge of any laboratory shall report to the local health authority or the Missouri Department of Health the result of any test that is positive for, or suggestive of, any disease or condition listed in 19 CSR 20-20.020. These reports shall be made according to the time and manner specified for each disease or condition following completion of the test and shall designate the test performed, the results of test, the name and address of the attending physician, the name of the disease or condition diagnosed or suspected, the date the test results were obtained, the name and home address (with zip code) of the patient and the patient's age, date of birth, sex, and race.

(2) In reporting findings for diseases or conditions listed in 19 CSR 20-20.020, laboratories shall report—

Arsenic (urinary) level greater than or equal to one hundred micrograms per liter (≥100 μg/l) in a 24-hour urine sample;

Cadmium (urinary) level greater than or equal to three micrograms per liter (≥3.0 μg/l) in a 24-hour urine sample;

Carboxyhemoglobin level greater than fifteen percent (15%);

Chemical/pesticide (blood or serum) level greater than the Lowest Quantifiable Limit;

Lead (blood) level—report all results;

Mercury (blood) level greater than or equal to three-tenths micrograms per deciliter (≥0.3 μg/dl);

Mercury (urinary) level greater than or equal to twenty micrograms per liter (≥20 μg/l) in a 24-hour urine sample; and

Methemoglobin proportion greater than or equal to seventy-five percent (≥75%).

(3) Isolates or specimens positive for the following reportable diseases or conditions must be submitted to the State Public Health Laboratory for epidemiological or confirmation purposes:

Anthrax (*Bacillus anthracis*)
Cholera (*Vibrio cholerae*)
Diphtheria (*Corynebacterium diphtheriae*)
Enteric *Escherichia coli* infection (*E. coli* O157:H7)
Haemophilus influenzae, invasive disease
Malaria (*Plasmodium* species)
Measles (rubeola)
Mycobacterium tuberculosis
Neisseria meningitidis, invasive disease
Pertussis (*Bordetella pertusis*)
Plague (*Yersinia pestis*)
Salmonellosis (all *Salmonella* species)
Shigellosis (all *Shigella* species)
Vancomycin Resistant *Staphylococcus aureus*

AUTHORITY: sections 192.006, RSMo Supp. 1999 and 192.020, RSMo 1994. This rule was previously filed as 13 CSR 50-101.090. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the ***Code of State Regulations****. Emergency rule filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Emergency rescission filed June 2, 2000, effective June 15, 2000, expires Dec. 11, 2000. A proposed rescission and proposed rule covering this same material is published in this issue of the* ***Missouri Register****.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases

EMERGENCY AMENDMENT

19 CSR 20-26.030 Human Immunodeficiency Virus (HIV) *[Antibody]* **Test Consultation and Reporting**. The Department of Health proposes to amend sections (1) and (2).

PURPOSE: *This amendment provides a general clarification of the text and requires that: informed consent be obtained prior to HIV testing; client-centered counseling is used for any individual obtaining HIV pre- and posttest counseling services; individuals with HIV positive test results, in addition to appropriate posttest counseling, also be counseled regarding their responsibility to inform sex/needle-sharing partners of the potential for exposure to HIV; HIV-positive test results be reported within three days rather than seven days to be consistent with 19 CSR 20-20.020; and expands the HIV case definition for surveillance to include tests other than antibody tests.*

EMERGENCY STATEMENT: On January 1, 2000, the CDC changed its rules to require reporting of HIV viral load measurements and all tests required for the tracking of perinatally-exposed infants. Those changes are incorporated in 19 CSR 20-26.030 and cross-referenced in 20-20.020 and 20-20.080. The MDOH needs these rules to be in effect immediately to ensure consistent disease reporting with CDC. In addition, the MDOH needs its rules to continue disease reporting without interruption in order to protect the public health and safety. The amendment will alleviate this danger, as it will require all conditions that are nationally notifiable to be reported to health authorities. The MDOH finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitutions****. The MDOH believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed June 1, 2000, effective June 15, 2000, and expires December 11, 2000.*

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

PURPOSE: This rule defines the manner in which the sampling and [consultation] ***client-centered counseling*** *for* ***HIV*** *[human immunodeficiency virus] antibody testing is to be administered by persons authorized by* ***the Department of Health and positive test results reported to*** *the Department of Health [and the reporting of positive test results].*

(1) The following definitions shall be used in administering this rule:

(C) Window period means the interval between exposure to *[human immunodeficiency virus] [(]*HIV*[)]* and development of a positive *[antibody]* **HIV** test.

(2) *[To be authorized by the department to do HIV sampling,]* **Except as provided by 19 CSR 20-26.040,** a person **performing HIV sampling and pre- and posttest counseling services** shall be a health care professional *[or able to provide accurate and current information about HIV serologic testing along with pretest and posttest consultation in accordance with this rule and shall provide or make provisions for pretest and posttest consultation in person to the person tested or his/her legal guardian or custodian]* **or other public health professional authorized by the Department of Health to provide these services and shall provide current and accurate HIV education and testing information in person to the person tested or his or her legal guardian or custodian.** If, after investigation by a department employee, the person responsible for *[sampling]* **providing pre- and posttest counseling services** is determined not to be observing the provisions of this rule, the department shall deny authorization.

(A) Pretest **client-centered counseling** *[consultation]* shall occur before **HIV** sampling and include a **knowledge and** risk assessment of the person to be tested to determine the person's potential for exposure and infection. The person to be tested shall be *[advised of the etiology and methods of transmission of HIV, the testing methodology, the meaning of the test results and the type of behavior necessary to reduce the risk of exposure to the virus.]* **asked about his/her basic HIV knowledge, and if such knowledge is lacking, advised of the means of HIV transmission and the meaning of the test results. Informed consent shall be obtained from the person prior to HIV testing. A plan to receive test results shall be established with the person.**

(B) Posttest **client-centered counseling** *[consultation]* shall *[also]* be provided to all persons tested for HIV *[antibodies]* **infection**. It shall include the test results and their significance, *[information on good preventive and]* risk reduction *[practices]* and **prevention information, and** referral of the person *[for]* **to** medical care and other support services as needed. If the test results are *[negative]* **positive, included in the posttest counseling, there shall be a discussion of the client's responsibility to ensure that sex/needle-sharing partners are advised of their potential exposure to HIV. If the test results are negative,** the person tested shall be advised of the window period and possible need for retesting **if exposure has occurred within the window period**. If the test results are equivocal, the person shall *[also]* be advised of the *[possible]* need for retesting.

(C) If the test results are positive, the identity of the person tested along with related clinical and identifying information shall be reported to the department or its designated representative by the person who performs or conducts HIV sampling within *[seven (7)]* **three (3)** days of receipt of the test results on forms provided by the Department of Health (see Form #1).

(D) Client-centered counseling shall be utilized, as outlined by the current Centers for Disease Control and Prevention *HIV Partner Counseling and Referral Services (PCRS) Guidance*. This method of counseling shall include the following basic elements: a) encourage client participation by informing, reassuring and developing an atmosphere of trust for the client; b) formulating a realistic PCRS plan to assist HIV negative persons to stay negative and HIV positive persons to access support services; and c) assist the HIV positive person in developing a plan for contact tracing and partner notification services.

*[(D)]***(E)** Sites testing persons under the following situations shall be exempt from reporting the identity of persons testing positive for HIV. These sites shall report HIV positive test results as well as *[other]* related clinical and *[identifying]* **other** information within *[seven (7)]* **three (3)** days of receipt of the test results on forms provided by the Department of Health (see Form #1), but shall be exempt from reporting the patient's name and street address—instead a unique patient identifier shall be used:

1. Persons tested **anonymously** at department-designated anonymous testing sites;

2. Persons tested as part of a research project *[at those sites participating in a research project]* **that is** approved by an

institutional review board and *[with notification of the board's approval submitted to the department in writing;]* **as part of the research, subjects are tested for HIV infection. Written documentation of institutional review board approval must be submitted to the department's Office of Surveillance;** or

3. Where prohibited by federal law or regulation;

*[(E)]***(F)** Laboratories which perform **HIV** testing shall report identifying information as specified in 19 CSR 20-20.080; and

[(F)] **(G)** All persons reported with HIV infection to the department or its designated representative *[shall be treated as referrals for public health]* **shall be contacted by public health personnel** for *[public health]* partner elicitation/notification services according to protocols and procedures established by the department.

(H) The following material is incorporated into this rule by reference:

1. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *HIV Partner Counseling and Referral Services (PCRS) Guidance*, December 1998.

*AUTHORITY: sections 192.020, RSMo [1986] **1994** and 192.005.2, **192.006,** 191.653 and 191.656, RSMo [Supp. 1988] **Supp. 1999**. Original rule filed March 14, 1989, effective July 13, 1989. Rescinded and readopted: Filed April 14, 1992, effective Dec. 3, 1992. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases

EMERGENCY AMENDMENT

19 CSR 20-26.040 Physician Human Immunodeficiency Virus (HIV) *[Antibody]* **Test Consultation and Reporting**. The Department of Health is amending sections (1), (2), (3), (4) and (5), and adding a new section (6).

PURPOSE: This amendment provides a general clarification of the text and: allows for laboratory testing for HIV by methods other than only antibody testing; deletes the definition of serological test; and requires that HIV-positive test results be reported within three days rather than seven days to be consistent with 19 CSR 20-20.020.

*EMERGENCY STATEMENT: On January 1, 2000, the CDC changed its rules to require reporting of HIV viral load measurements and all tests required for the tracking of perinatally-exposed infants. Those changes are incorporated in 19 CSR 20-26.030 and cross-referenced in 20-20.020 and 20-20.080. The MDOH needs these rules to be in effect immediately to ensure consistent disease reporting with CDC. In addition, the MDOH needs its rules to continue disease reporting without interruption in order to protect the public health and safety. The amendment will alleviate this danger, as it will require all conditions that are nationally notifiable to be reported to health authorities. The MDOH finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The MDOH believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed June 1, 2000, effective June 15, 2000, and expires December 11, 2000.*

*PURPOSE: This rule establishes guidelines specific to physicians and other health care professionals working under physician orders for **HIV** [human immunodeficiency virus blood sampling, and] **testing,** pretest and posttest consultation **(client-centered counseling),** and for the reporting of persons diagnosed with [human immunodeficiency virus] **HIV** infection.*

(1) The following definitions shall be used in administering this rule:

(B) Confirmed *[human immunodeficiency virus ([]*HIV*[])]* infection means the clinical diagnosis and conclusion that a patient is infected with HIV, made in the professional judgment of the physician based upon clinical history, physician examination, diagnostic or laboratory *[serological]* testing or other available clinical information which allows the physician to make clinical and therapeutic decisions based upon this infected status;

(E) Physician's delegated representative means state licensed professional involved in direct patient care, other than those persons licensed as physicians under Chapter 334, RSMo.*[; and]*

[(F) Serological test means—

1. A serum specimen repeatedly reactive for HIV antibody by a licensed screening test (for example, enzyme-linked immunosorbent assay (EIA)) that has been verified by a more specific subsequent test (such as Western Blot or immunofluorescence assay (IFA));

2. A positive lymphocyte culture verified by a specific HIV antigen test or by in situ hybridization using a deoxyribonucleic acid (DNA) probe;

3. A positive result on any other highly specific test for HIV; or

4. A T-Helper (CD4) lymphocyte count performed as a part of the clinical management of a person who in the professional judgment of the physician is infected with HIV.]

(2) The physician or the physician's delegated representative shall provide consultation with the patient or his/her legal guardian or custodian prior to conducting HIV *[blood sampling]* **testing**, and to the patient, guardian or custodian during the reporting of the test results or diagnosis.

(3) The physician shall report to the department or its designated representative the identity of any person with confirmed HIV infection along with related clinical and identifying information within *[seven (7)]* **three (3)** days of receipt of the test results on forms provided by the department (see Form #1) following 19 CSR 20-26.030.

(4) Physicians testing persons under the following situations shall be exempt from reporting the identity of the person testing positive for HIV. In these situations, physicians shall report HIV positive test results as well as *[other]* related clinical and **other** *[identifying]* information within *[seven (7)]* **three (3)** days of receipt of the test results on forms provided by the department (see Form #1 following 19 CSR 20-26.030), but shall be exempt from reporting the patient's name and street address—instead a unique patient identifier shall be used.

(A) Persons tested *[solely]* as part of a research project *[at those sites participating in a research project]* **which is** approved by an institutional review board *[with notification of the boards approval submitted to the department in writing]* **and in which, as part of the research, subjects are tested for HIV infection. Written documentation of institutional review board approval must be submitted to the department's Office of Surveillance**; or

(5) All persons reported with HIV infection to the department or its designated representative *[shall be treated as referrals for public health]* **can be contacted by public health personnel** for *[public health]* partner elicitation/notification services according to protocols and procedures established by the department.

(6) Laboratories which perform HIV testing shall report identifying information as specified in 19 CSR 20-20.080.

*AUTHORITY: sections 191.653, 191.656, [192.005.2] **and 192.006,** RSMo [Supp. 1988] **Supp. 1999** and 192.020, RSMo [1986] **1994**. Original rule filed April 14, 1992, effective Dec. 3, 1992. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting, Fishing, Trapping

PROPOSED AMENDMENT

3 CSR 10-5.430 Trout Permit. The department proposes to amend provisions of this rule.

PURPOSE: This amendment enhances the privileges provided to holders of a trout permit to include trout fishing the winter catch-and-release fishing season at Missouri's four trout parks.

Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required. **Required in addition to the prescribed fishing permit for trout fishing at Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November through the second Sunday in February**. **(In the four trout parks, during the winter catch-and-release season specified above, all fish must be released to the water unharmed immediately after being caught, and no fish may be possessed.)** Fee: seven dollars ($7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed May 30, 2000.*

PUBLIC COST: This proposed amendment removes the requirement for the no creel trout permit for the winter catch-and-release season. Lost revenue from no creel permits ($5) will be offset by increased sales of trout permits. Potential decrease in state revenue is estimated at $2,000.

PRIVATE COST: This proposed amendment will cost approximately 3,500 anglers who bought only the no creel trout fishing permit $2 more under this proposal. Potential cost to catch-and-release trout anglers is estimated at $7,000.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 3 - DEPARTMENT OF CONSERVATION

Division 10 – Conservation Commission

Chapter 5 - Wildlife Code: Permits for Hunting, Fishing, Trapping

FISCAL NOTE
PUBLIC ENTITY COSTS

Proposed Amendment: **3 CSR 10-5.430 Trout Permit**

Prepared: April 24, 2000

Affected Public Entities: Department of Conservation

This amendment enhances the privileges provided to holders of a trout permit to include trout fishing the winter catch-and-release fishing season at Missouri's four trout parks. This amendment also removes the requirement for the no creel trout permit for the winter catch and release season.

CLASSIFICATION	ANNUAL COST[1]	FIVE-YEAR AGGREGATE COST[2]
Net decrease in State revenue	$2,000.00	$10,000.00

The lost revenue from no creel permits ($5.00) will be mostly offset by increased sales of trout permits ($7.00). Some anglers will see their cost for catch and release winter fishing increase by $2 annually, but will also receive in return increased opportunity for fishing other trout waters statewide.

[1] Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

[2] Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed–normally within five years–to remain competitive with other states.

Title 3 - DEPARTMENT OF CONSERVATION

Division 10 – Conservation Commission

Chapter 5 - Wildlife Code: Permits for Hunting, Fishing, Trapping

FISCAL NOTE
PRIVATE ENTITY COSTS

Proposed Amendment: **3 CSR 10-5.430 Trout Permit**

Prepared: April 24, 2000

Affected Private Entities: Individuals who require trout fishing permits

This amendment enhances the privileges provided to holders of a trout permit to include trout fishing the winter catch-and-release fishing season at Missouri's four trout parks. This amendment also removes the requirement for the no creel trout permit for the winter catch and release season.

CLASSIFICATION	ANNUAL COST[1]	FIVE-YEAR AGGREGATE COST[2]
Catch and release trout anglers	$7,000.00	$35,000.00

Approximately 2,000 trout anglers who have in the past bought both the statewide trout permit and the no creel trout permit will save $5 each, and approximately 3,500 anglers who bought only the no creel trout fishing permit will pay $2 more under this proposal. These 3,500 anglers will see their cost for catch and release winter fishing increase by $2 annually, but will also receive increased opportunity for fishing other trout waters statewide.

[1] Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

[2] Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed–normally within five years–to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.550 Other Fish. The department proposes to amend subsection (2)(C).

PURPOSE: This amendment liberalizes the hours fish may be taken by longbow on impounded waters.

(2) Methods and Seasons.

(C) Fish included in this rule may be taken by longbow **from streams** between sunrise and midnight **and from impounded waters during all hours** throughout the year**; except that from February 1 through March 31 on impounded waters, fish may be taken by this method only between sunrise and midnight**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 30, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 1—Organization

PROPOSED AMENDMENT

4 CSR 196-1.020 Landscape Architectural Council—General Organization. The council is proposing to delete section (7), renumber the remaining sections accordingly, and amend section (8).

PURPOSE: This amendment removes the requirement for the council to use only Robert's Rules of Order to conduct its meetings and removes the council's address and telephone number from this rule.

[(7) Unless otherwise provided by statute or regulation, the council shall conduct its meetings according to Robert's Rules of Order.]

[(8)] **(7)** Any person requiring information and/or application forms or wanting to register a complaint involving the landscape architectural profession may contact the council by writing to the council's executive director**.** *[at P.O. Box 471, Jefferson City, MO 65102 or calling (314) 751-0889.]*

*AUTHORITY: section 327.609, RSMo [Supp. 1990] **Supp. 1999**. Original rule filed Feb 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than 500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 2—Applications

PROPOSED RESCISSION

4 CSR 196-2.010 Filing Deadline for Examination and Registration. This rule established the filing deadline for examinations and registrations as a landscape architect.

*PURPOSE: The council is proposing to rescind this rule and include the language in 4 CSR 196-5.010 and delete the Application for Registration form that immediately follows this rule in the **Code of State Regulations**.*

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed June 1, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 2—Applications

PROPOSED AMENDMENT

4 CSR 196-2.020 Submitting an Application. The council is proposing to amend the original purpose statement, section (1) and subsection (2)(F).

PURPOSE: This amendment provides requirements for filing an application for registration.

*PURPOSE: This rule provides [procedures for obtaining] **requirements for filing** an application for registration.*

(1) Applications shall be typewritten on forms provided by the council and shall be accompanied by *[the required fee]* **a check payable to the Missouri Landscape Architectural Council for fees required by 4 CSR 196-6.010.**

(2) The applicant shall—

(F) Include on each application a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application subject to the penalties of making a false affidavit or declaration**.** *[, and shall be accompanied by the required fee.]*

*AUTHORITY: sections 327.609, RSMo [Supp. 1990] **Supp. 1999 and 327.615, RSMo 1994**. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 5—Examinations

PROPOSED AMENDMENT

4 CSR 196-5.010 Uniform National Examination*s and Plant Material Examination*—Adoption and Admission. The council is proposing to amend the title of the rule and the original purpose statement, and amend sections (1)–(4).

PURPOSE: This rule is being amended following the council's overall review of the rules in this chapter.

*PURPOSE: This rule adopts the Council of Landscape Architectural Registration Boards' Uniform National Examination **(UNE) or its predecessor/successor** and provides standards for admission **and sets forth the requirement of passing the plant material examination**.*

(1) *[The council adopts the Council of Landscape Architectural Registration Boards' Uniform National Examination (UNE) as its own.]* **An applicant shall have either a degree in landscape architecture from an accredited school of landscape architecture and have acquired at least three (3) years' satisfactory landscape architectural experience after acquiring that degree, or have eight (8) years' or more satisfactory training and experience in the practice of landscape architecture to qualify for the Council of Landscape Architectural Registration Boards' (CLARB) Uniform National Examination (UNE), or its predecessor/successor and plant material examination.**

(2) *[Applicant shall have either a degree in landscape architecture from an accredited school of landscape architecture and have acquired at least three (3) years' satisfactory landscape architectural experience after acquiring that degree, or have eight (8) years' or more satisfactory training and experience in the practice of landscape architecture.]*

[(3)] **(2)** For the purpose of admission to the examination, satisfactory training and experience shall include: site investigation; selection and allocation of land and water resources for appropriate use; land use feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation, review and analysis of master plans for land use and site development; production of overall site plans, grading plans, irrigation plans, planting plans and related construction details; specifications; cost estimates and reports for site development; collaboration in the design of roads and site structures with respect to the functional and aesthetic requirements, but not involving structural design or stability; and field observation of land area construction, restoration and maintenance.

(3) The council adopts the CLARBs' UNE or its predecessor/successor as its own. All applications for examination as a landscape architect shall be filed with the Missouri Landscape Architectural Council prior to the deadline established by CLARB or a substantially equivalent examination provider selected by the council. An applicant shall obtain a passing score on each portion of the examination in accordance with CLARB standards, or other approved examinations provided.

(4) Any applicant taking *[the UNE]* **a national examination prescribed by the council** shall **also** take **and pass** an examination *[prescribed by the council]* which demonstrates the applicant's knowledge of plant materials, native and adapted, to Missouri.

*AUTHORITY: sections **327.607 and 327.617, RSMo 1994 and** 327.609, RSMo [(Cum. Supp. 1990)] **Supp. 1999**. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 5—Examinations

PROPOSED RESCISSION

4 CSR 196-5.020 Senior Landscape Architect's Examination. This rule created the Missouri Senior Landscape Architect's Examination.

PURPOSE: The council is proposing to rescind this rule because there is no classification of licensure for senior landscape architects.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed June 1, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 5—Examinations

PROPOSED RESCISSION

4 CSR 196-5.030 Uniform National Examination—Passing Score. This rule adopted the Council of Landscape Architectural Registration Board's standards for passing the Uniform National Examination.

PURPOSE: The council is proposing to rescind this rule and include the language in 4 CSR 196-5.010.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed June 1, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 6—Fees

PROPOSED AMENDMENT

4 CSR 196-6.010 Application, Registration, Renewal, Reinstatement and Miscellaneous Fees. The council is proposing to amend section (1).

PURPOSE: This amendment rescinds the fee for senior landscape architect's examination applications fees, rescinds the national examination fees since those fees are set by the national certifying body, and establishes a biennial renewal for the council's licensees.

(1) The following fees are established by the division for landscape architects:

(A) Application Fee	$50.00
[(B) Senior Landscape Architect's Examination Application Fee	*$155.00]*
[(C)] **(B)** Initial Registration Fee	$145.00
[(D) Uniform National Examination (UNE) Fee	*$295.00]*
[(E)] **(C)** Missouri Plant Material Examination Fee	$ 30.00
[(F)] **(D)** Examination Administration Fee	$ 20.00
[(G) Examination by Section Fee—	
1. Test 1 Legal and Administrative Aspects of Practice	*$ 15.00*
2. Test 2 Programming and Environmental Analysis	*$ 20.00*
3. Test 3 Conceptualization and Communication	*$ 65.00*
4. Test 4 Design Synthesis	*$ 60.00*
5. Test 5 Integration of Technical and Design Requirements	*$ 82.00*
6. Test 6 Grading and Drainage	*$ 70.00*
7. Test 7 Implementation of Design Through Construction Process	*$ 35.00]*
[(H)] **(E)** *[Annual]* **Biennial** Renewal Fee	*[$ 95.00]* **$190.00**
[(I)] **(F)** Reinstatement Fee	$ 50.00
[(J)] **(G)** Landscape Architect-in-Training Registration Fee	$ 40.00
[(K)] **(H)** Landscape Architect Student Registration Fee	$ 20.00
[(L) Photocopy Fee (per page)	*$ .25]*
[(M) Research Fee (per hour—one (1) hour minimum)	*$ 20.00]*
[(N)] **(I)** Verification of Registration Fee	$ 10.00
[(O)] **(J)** Insufficient Funds Check Charge	$ 50.00
[(P)] **(K)** *[Original]* **Wall Hanging** Certificate Fee	$ 25.00
[(Q)] **(L)** Duplicate Certificate of Registration Fee	$ 10.00
*[(R)]***(M)** *[Corporate]* **Corporation, Partnership, Association, or Limited Liability Company** Registration Fee	$100.00
*[(S)]***(N)** *[Corporate]* **Corporation, Partnership, Association, or Limited Liability Company Biennial** Renewal Fee	*[$100.00]* **$200.00**
[(T)] **(O)** Late Registration Fee*[. (Any person, corporation or partnership using the title landscape architect or LA, or the terms landscape architecture or landscape architectural pursuant to section 327.629, RSMo that has not filed with the council an application for registration, accompanied by the appropriate fee, by October 1, 1991 shall pay a late registration fee.)]*	$ 50.00

*AUTHORITY: sections 327.609, RSMo [Supp. 1990] **Supp. 1999 and 327.625, RSMo 1994**. Original rule filed Feb. 15, 1991, effective July 8, 1991. Emergency amendment filed Aug. 14, 1991, effective Aug. 25, 1991, expired Dec. 23, 1991. Emergency amendment filed Sept. 4, 1991, effective Sept. 14, 1991, expired Jan. 11, 1992. Amended: Filed Sept. 4, 1991, effective March 9, 1992. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate as the council is merely going to a biennial renewal for its licensees.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 7—Complaints and Correspondence

PROPOSED AMENDMENT

4 CSR 196-7.010 Handling Public Complaints and Routine Matters. The council is amending sections (3) and (4) and adding a new section (9).

PURPOSE: This rule amends the P.O. Box number for the Landscape Architectural Council and establishes that written complaints shall be a closed record of the council.

(3) A complaint shall be made in writing and may be mailed to Landscape Architectural Council, P.O. Box *[471]* **1335**, Jefferson City, MO 65102**,** or delivered to 3605 Missouri Boulevard, Jefferson City, Missouri. Complainants shall fully identify themselves by name and address. Oral or telephone communications will result in the complainant receiving a complaint form.

(4) Written complaints shall be maintained by the council and shall contain the complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the council; a brief statement concerning the reason for the complaint, including the name of any person injured or victimized by the alleged acts or practices and a notation concerning the ultimate disposition of the complaint. This information shall be a closed record of the council**.** *[, but shall be available for inspection at the council's offices only by state senators, representatives or by qualified officials within the executive branch of Missouri government having supervisory, auditing, reporting or budgetary responsibilities or control over the council. Only upon receipt of a written request from a state senator, representative or qualified official which specifically assures that the request is directly related to his/her duties shall s/he be permitted inspection of the complaint record(s).]*

(9) The licensee shall respond in writing to the complaint within a time prescribed by the council.

*AUTHORITY: sections 327.609, RSMo [Supp. 1990] **Supp. 1999 and 327.631, RSMo 1994**. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 8—Council Seal

PROPOSED RESCISSION

4 CSR 196-8.010 Official Seal of the Council. This rule described the official seal of the council.

PURPOSE: The council is proposing to rescind this rule following the council's overall review of the rules in this chapter.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed June 1, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 10—Corporations, *[and]* Partnerships, *Associations, and Limited Liability Companies*

PROPOSED AMENDMENT

4 CSR 196-10.010 Application for Registration of Business Associations. The council is proposing to amend the title of the chapter, the original purpose statement, sections (1)–(3), and the authority section.

PURPOSE: This rule amendment includes registration for associations and limited liability companies.

*PURPOSE: This rule provides for registration of corporations, [and] partnerships**, associations, and limited liability companies**.*

(1) No corporation**,** *[or]* partnership**, association or limited liability company** shall use the name landscape architect, landscape architectural, landscape architecture or LA in this state unless registering with the council.

(2) The corporation**,** *[or]* partnership**, association or limited liability company** annually shall submit an application to the executive director of the council, on forms provided by the council, and shall be accompanied by the required fee.

(3) The corporation**,** *[or]* partnership**, association or limited liability company** shall list on the form—

(A) The names of all officers, directors and partners;

(B) The individual employed by the corporation**,** *[or]* partnership**, association, or limited liability company** who is a registered landscape architect in responsible charge of all landscape architectural work. The words in responsible charge shall mean the person in direct control, supervising activities of the business pursuant to these described in section 327.600(5), RSMo. The landscape architect shall be a full-time employee of that corporation**,** *[or]* partnership**, association, or limited liability company**; and

(C) Other relevant information as required by the council.

*AUTHORITY: sections 327.609, RSMo [Supp. 1990)] **Supp. 1999 and 327.630, RSMo 1994**. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules

PROPOSED AMENDMENT

4 CSR 200-4.010 Fees. The board is proposing to amend section (1).

PURPOSE: The purpose of this amendment is to increase renewal fees. Currently, the biennial renewal fees are not set at a level to produce sufficient revenue to cover the board's annual operational costs. In the past two fiscal years the board's expenses exceeded revenue. The fee increases are necessary so the board can continue its licensing and enforcement responsibilities under Chapter 335, RSMo, and still maintain a safe fund balance.

(1) The following fees are established by the State Board of Nursing:

(J) Biennial Renewal Fee—	
1. RN	*[$ 46.00]* **$ 60.00**
2. LPN	*[$ 38.00]* **$ 52.00**

3. License renewal for a professional nurse shall be biennial; occurring on odd numbered years and the license shall expire on April 30 of each odd-numbered year beginning with the 1997–1999 renewal period. License renewal for a practical nurse shall be biennial; occurring on even numbered years and the license shall expire on May 31 of each even-numbered year beginning with the 1998–2000 renewal period. Renewal shall be for a twenty-four (24)-month period except in instances when renewal for a greater or lesser number of months is caused by acts or policies of the Missouri State Board of Nursing. Renewal applications *[(see 4 CSR 200-4.020)]* shall be mailed every even-numbered year by the Missouri State Board of Nursing to all LPNs currently licensed and every odd numbered year to all RNs currently licensed;

4. A renewal fee of *[forty-six dollars ($46)]* **sixty dollars ($60)** every other year for an RN effective with the *[1997–1999]* **2001–2003** renewal period and *[thirty-eight dollars ($38)]* **fifty-two dollars ($52)** every other year for an LPN effective with the *[1998–2000]* **2000–2002** renewal period shall be accepted by the Missouri State Board of Nursing only if accompanied by an appropriately completed renewal application; and

5. All fees established for licensure or licensure renewal of nurses incorporate an educational surcharge in the amount of one dollar ($1) per year for practical nurses and five dollars ($5) per year for professional nurses. These funds are deposited in the professional and practical nursing student loan and nurse repayment fund;

(K) Photostatic Copy Fee (per page)	$ 0.25
[(L) Gathering Data. Information requested from the board by members of the public which requires staff man hours for collection—first eight (8) hours	
(per hour)	*$ 0.00;*
each hour after that	*$ 10.00;]*
[(M)] **(L)** Review and Challenge Fees—	
1. LPN	$100.00
2. RN	$100.00
[(N)] **(M)** Uncollectible Fee (Charged for any uncollectible check or other uncollectible financial instrument submitted to the Missouri State Board of Nursing.)	$ 25.00
[(O)] **(N)** Fee for Late Education Agenda Items	$ 30.00
[(P)] **(O)** Application Fee for Proposals to Establish New Programs of Nursing	$500.00
[(Q)] **(P)** Application Fee for Advanced Practice Nurse Eligibility	$ 75.00

*AUTHORITY: sections 335.036 and 335.046, RSMo [1994] **Supp. 1999**. Emergency rule filed Aug. 13, 1981, effective Aug. 23, 1981, expired Dec. 11, 1981. Original rule filed Aug. 13, 1981, effective Nov. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities $1,052,860 during the first year of implementation of the rule with a continuous biennial increase of $18,242 each odd numbered year thereafter. This proposed amendment will cost private entities $366,082 during the second year of implementation of the rule with a continuous biennial increase of $6,286 each even numbered year thereafter. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Missouri State Board of Nursing, Calvina Thomas, Executive Director, P.O. Box 656, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COSTS

I. RULE NUMBER

Title 4 – Department of Economic Development

Division 200 – Missouri State Board of Nursing

Chapter 4 – General Rules

Proposed Amendment: 4 CSR 200-4.010 Fees

Prepared May 31, 2000 by the Missouri State Board of Nursing for the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected.	Estimate cost compliance for the life of the rule:
74,505	*Currently Licensed RNs seeking licensure renewal (biennially each odd numbered year)	$1,043,070
685	*Non-Current RNs	$9,790
25,665	**Currently Licensed LPNs seeking licensure renewal (biennially each even numbered year)	$359,310
481	**Non-Current LPNs	$6,734

***Total estimated increase for the first year of implementation of the rule**	**$1,052,860**
****Total estimated increase for the second year of implementation of the rule**	**$366,044**
***Total estimated increase thereafter for each odd numbered year for the life of the rule**	**$1,052,860 biennially in odd numbered years with a continuous increase of $18,242 each odd numbered year**
****Total estimated increase thereafter for each odd numbered year for the life of the rule**	**$366,082 biennially in even numbered years with a continuous increase of $6,286 each even numbered year**

III. WORKSHEET

RN Renewal Increase @ $14.00
LPN Renewal Increase @ $14.00

IV. ASSUMPTIONS

1. The board anticipates 74,505 RNs will apply for renewal during the first year of implementation of the rule. The board estimates an increase of 1.75% in RN licensees in each odd numbered years causing a continuous increase of $18,242 during each RN renewal period.

2. The board anticipates 25,665 LPNs will apply for renewal during the second year of implementation of the rule. The board estimates an increase of 1.75% in LPNs licensees in each even numbered years causing a continuous increase of $6,286 during each LPN renewal period.

3. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 205-3.030 Application for Limited Permit. The board is proposing to amend section (3) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule amendment will allow the board to accept written verification of a limited permit applicant from their academic institution, thereby reducing the application processing time.

(3) The applicant shall request *[the certifying entity to send verified evidence]* **and submit** to the board **written verification from his/her academic institution or the certifying entity** of the applicant's completion of the requirements and eligibility to sit for the applicant's first available certification examination as determined by the certifying entity. The applicant is responsible for the payment of any fee required by the certifying entity for verification.

*AUTHORITY: sections 324.050, 324.056, 324.065, 324.068, 324.077, 324.083 and 324.086, RSMo Supp. [1997] **1999**. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 1, 2000.*

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Occupational Therapy, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 205-3.040 License Renewal. The board is proposing to delete subsection (2)(E), renumber the remaining subsections accordingly, and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule amendment will eliminate a duplicated renewal requirement, thereby reducing the renewal processing time for these licensees.

(2) Each occupational therapist and occupational therapy assistant shall provide the board with a completed renewal form issued by the division that shall contain—

[(E) Details regarding being a party in a civil suit other than divorce, custody matters or bankruptcy;]

[(F)] **(E)** Details regarding any restriction or discipline for unethical behavior or unprofessional conduct;

[(G)] **(F)** Details regarding a professional license, certification, registration, permit or an application in any state, United States territory, province, or country being denied, reprimanded, suspended, restricted, revoked or otherwise disciplined, curtailed or voluntarily surrendered under threat of investigation or disciplinary action; and

[(H)] **(G)** Details regarding any pending complaints before any regulatory board or agency.

*AUTHORITY: sections 324.050, 324.056, 324.065, 324.068, 324.080, 324.083, [and] 324.086, [RSMo Supp. 1997] **and 620.010.14,** RSMo [1994] **Supp. 1999**. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 1, 2000.*

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Occupational Therapy, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 235-2.005 Educational Requirements, Section 337.025, RSMo. The board is proposing to add a new section (5).

PURPOSE: This rule amendment defines the term "one year's residency" as used in section 337.025.3(h), RSMo.

(5) One year's residency as used in section 337.025.3(h), RSMo is defined as—at least nine (9) hours of weekly face-to-face psychological instruction, supervision, and/or consultation with multiple program faculty and students at the educational institution for a minimum of one (1) year.

*AUTHORITY: sections **337.025, 337.033, and** 337.050.9, RSMo Supp. [1989] **1999**. Original rule filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Psychologists, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 50—Workers' Compensation
Chapter 7—Missouri Workers' Safety Program

PROPOSED AMENDMENT

8 CSR 50-7.050 Application for Certification: Safety Engineering and Management Program. The Division of Worker's Compensation is deleting from the *Code of State Regulations* the form following the rule.

PURPOSE: This proposed amendment removes the form following the rule from the ***Code of State Regulations.***

*AUTHORITY: sections 287.123 and 287.650, RSMo [Supp. 1993] **Supp. 1999**. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Workers' Compensation; Attn: Larry Leip, Chief Legal Advisor, P.O. Box 58, Jefferson City, MO 65102-0058. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register.*** *No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 50—Workers' Compensation
Chapter 7—Missouri Workers' Safety Program

PROPOSED AMENDMENT

8 CSR 50-7.060 Requirements For Certification: Safety Engineers and Safety Consultants. The Division of Workers' Compensation is deleting from the *Code of State Regulations* the forms following the rule.

PURPOSE: This proposed amendment removes the forms following the rule from the ***Code of State Regulations****.*

*AUTHORITY: sections 287.123 and 287.650, RSMo [Supp. 1993] **Supp. 1999**. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Workers' Compensation; Attn: Larry Leip, Chief Legal Advisor, P.O. Box 58, Jefferson City, MO 65102-0058. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register.*** *No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 50—Workers' Compensation
Chapter 7—Missouri Workers' Safety Program

PROPOSED AMENDMENT

8 CSR 50-7.070 Application for Certification: Certified Safety Consultant/Certified Safety Engineer. The Division of Workers' Compensation is deleting from the *Code of State Regulations* the forms following the rule.

PURPOSE: This proposed amendment removes the forms following the rule from the ***Code of State Regulations****.*

*AUTHORITY: sections 287.123 and 287.650, RSMo [Supp. 1993] **Supp. 1999**. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Workers' Compensation; Attn: Larry Leip, Chief Legal Advisor, P.O. Box 58, Jefferson City, MO 65102-0058. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-5.330 Control of Emissions From Industrial Surface Coating Operations. The commission proposes to amend subsections (1)(C) and (4)(B). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: The purpose of this rulemaking is to remove the aerospace restrictions from this rule, and therefore, avoid duplicate coverage with 10 CSR 10-5.295.

(1) Applicability.

(C) This rule is not applicable to the surface coating of the following metal parts and products:

1. Exterior refinishing of airplanes;
2. Automobile refinishing;
3. Customizing top coating of automobiles and trucks, if production is less than thirty-five (35) vehicles per day; **and**
4. Exterior of marine vessels.*[; and*
5. The following aerospace assembly and component

coating operations and materials:
A. Adhesion promoters;
B. Adhesive bonding primer;
C. Flight test coatings;
D. Space vehicles coatings;
E. Fuel tank coatings; and
F. Dry film lubricants.]

(4) Tables of Emission Limitations and Dates of Compliance.

(B) Table B: VOC Emission Limits Based on Weight of VOC per Gallon of Coating (minus water and non-VOC organic compounds).

Surface Coatings Operations	Emission Limit lbs. VOC/gal. Coating (less water & non-VOC organic compounds)	Dates of Compliance (*[S]*see *[N]note*)
Large Appliance		
Topcoat	2.8	12/31/81
Final Repair	6.5	12/31/81
Magnet *[w]*Wire	1.7	12/31/81
Metal *[f]*Furniture	3.0	12/31/81
Auto/*[l]*Light *[d]*Duty *[t]*Truck		
Chrysler Motor Co. (Car)		
Prime-Electrocoat	1.2	12/31/85
Spray Prime	4.2	12/31/79
	3.4	12/31/83
	2.8	12/31/85
Topcoat	3.9	12/31/79
	3.0	12/31/84
	2.5	12/31/85
Final Repair	4.8	12/31/81
Miscellaneous Metal Parts		
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
Chrysler Motor Co. (Truck)		
Prime-Electrocoat	1.2	12/31/84
Spray Prime	4.4	12/31/79
	3.4	12/31/82
	2.8	12/31/84
Topcoat	3.9	12/31/79
	2.5	12/31/84
Final Repair	4.8	12/31/84
Miscellaneous Metal Parts		
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
Ford Motor Company		
Prime-Electrocoat	1.2	12/31/82
Spray Prime	3.2	12/31/83
Topcoat	3.6	12/31/84
Final Repair	4.8	12/31/84
Miscellaneous Metal Parts		
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
General Motors Company		
Cathodic Electrocoat	1.2	12/31/82
Primer Surfacer	3.0	12/31/82
	2.8	12/31/84
Topcoat	5.8	12/31/79
	5.0	12/31/81
	2.8	12/31/84
Final Repair	6.5	7/1/79
	4.8	12/31/84
Miscellaneous Metal Parts		
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
Paper	2.9	12/31/81
Vinyl	3.8	12/31/81
Fabric	2.9	12/31/81
Coil	2.6	12/31/81
Can		
2 Piece Exterior Sheet	4.0	12/31/82
Basecoat	2.8	12/31/85
2 and 3 Piece Interior Body Spray	4.2	12/31/82
2 Piece End Exterior	4.2	12/31/82
3 Piece Side Seam	5.5	12/31/82
End Seal Compound	4.2	12/31/82
	3.7	12/31/85
[Aerospace Assembly and Components		
Primer	*6.0*	*12/31/82*
Topcoat	*5.5*	*12/31/82*
	5.0	*12/31/85*
Maskant	*3.0*	*12/31/82*
	1.0	*12/31/85]*
Railroad Cars, Farm Implements and Machinery, and Heavy Duty Trucks	3.5	12/31/82
Other Metal Parts		
Clear Coat	4.3	12/31/82
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
Plastic Parts	3.5	4/11/84
Mail *[b]*Boxes and *[s]*Shutters	3.5	4/11/85

Note: The emission limit associated with the latest compliance date for each surface coating process supersedes interim emission limits associated with earlier compliance dates. No coating operation shall have emission limits from Tables A and B that apply at the same time.

*AUTHORITY: section 643.050, RSMo [1994] **Supp. 1999**. Original rule filed Dec. 15, 1978, effective July 12, 1979. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Dec. 13, 1983, effective Jan. 13, 1984. Rescinded and readopted: Filed June 30, 1989, effective Nov. 26, 1989. Amended: Filed May 19, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., August 31, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., September 7, 2000. Written comments shall be sent to Chief, Planning Section,

Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act

PROPOSED RULE

11 CSR 10-12.010 General Organization

PURPOSE: This rule provides for the organization, administration and methods of operation of a program of certification for telecommunicators. (The Department of Public Safety is proposing the general organization.)

(1) The objective of the Advisory Committee for 911 Service Oversight is:

(A) To improve services provided by telecommunicators.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Robb Pilkington, P.O. Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title—11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act

PROPOSED RULE

11 CSR 10-12.020 Definitions

PURPOSE: This rule defines the terms used in the rules, which pertain to the training of telecommunicators. (The Department of Public Safety is defining definitions.)

(1) Committee refers to the advisory committee for 911 service oversight established in section 650.325, RSMo.

(2) Department refers to the Missouri Department of Public Safety.

(3) Joint Communications Center refers to a public safety answering point in which dispatches fire, law enforcement, and emergency medical service agencies.

(4) Public Safety Answering Point (PSAP) refers to the location at which 911 calls are answered initially.

(5) Telecommunicator is any person employed as an emergency telephone worker, call taker, or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a Public Safety Answering Point.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Robb Pilkington, P.O. Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act

PROPOSED RULE

11 CSR 10-12.030 Initial Training

PURPOSE: This rule defines the training levels and requirements for telecommunicators. (The Department of Public Safety is proposing requirements.)

(1) Telecommunicators hired after August 28, 1999, must complete the following training within 12 months of the date of employment. Training must meet the requirements indicated in 11 CSR 10-12.060.

(A) In order to act as a telecommunicator for any law enforcement agency, 16 hours of police dispatcher training or 40 hours of joint communications dispatcher training.

(B) In order to act as a telecommunicator for any fire department, 16 hours of fire dispatcher training or 40 hours of joint communications dispatcher training.

(C) In order to act as a telecommunicator for any emergency medical service, 16 hours of emergency medical dispatcher training or 40 hours of joint communications dispatcher training.

(D) In order to act as a telecommunicator for a joint communications center, 40 hours of joint communications dispatcher training.

(2) Individuals who were employed as a telecommunicator prior to August 28, 1999, are not required to complete the initial training requirements, but are encouraged to attend applicable training disciplines as feasible.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Robb Pilkington, P.O. Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act

PROPOSED RULE

11 CSR 10-12.040 Exemptions and Waiver of Initial Training Requirement

PURPOSE: This rule defines those individuals exempt from the training requirements, delineates those circumstances where the initial training requirements may be waived and how such requests shall be handled. (The Department of Public Safety is proposing requirements for waiver.)

(1) The following individuals shall be exempted from the requirements of this rule:

(A) Telecommunicators who meet the definition of an Emergency Medical Dispatcher as defined by 190.100, RSMo;

(B) Individuals who have received training by an entity accredited or certified under section 190.131, RSMo;

(C) Individuals who provide pre-arrival medical instructions and work for an agency, which meets the requirements, set forth in 190.134, RSMo.

(2) Any persons hired after August 28, 1999, as a telecommunicator, may have the initial training requirement waived upon furnishing proof to the committee that they have completed a training course in another state that meets the minimum requirements listed in 11 CSR 10-12.030.

(3) Typically, a certificate of training or college transcripts must be produced to meet the waiver requirement.

(4) If an individual received training in a single discipline and is not employed in a multi-discipline Public Safety Answering Point (PSAP) (2 disciplines) or joint communication center, they must complete the initial training requirements for the disciplines in which they are not certified.

(5) Requests for waivers from individuals who received training from organizations outside Missouri may submit certificates, transcripts or other proof of training to the Advisory Committee for 911 Service Oversight, P.O. Box 116, Jefferson City, MO 65102, for review and approval. Original documents are preferred and will be returned to the applicant.

(6) Upon completion of the review process, the committee will inform the applicant by letter of their decision.

(7) The waiver letter will suffice for proof of training by the PSAP.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Robb Pilkington, P.O. Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act

PROPOSED RULE

11 CSR 10-12.050 Requirements for Continuing Education

PURPOSE: This rule defines the requirements for completion of continuing education and the terms for maintaining training records. (The Department of Public Safety is proposing requirements.)

(1) All telecommunicators employed in a Public Safety Answering Point (PSAP) must complete a minimum of 16 hours refresher or ongoing training every two years.

(2) Training must satisfy the requirements listed in 11 CSR 10-12.060.

(3) It is the responsibility of the PSAP to maintain training records, certificates and waivers for each telecommunicator employed. Certified copies of certificates and transcripts may be used in place of originals.

(4) It is incumbent upon the PSAP to certify telecommunicators meet the requirements.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Robb Pilkington, P.O. Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act

PROPOSED RULE

11 CSR 10-12.060 Procedures for Certification of Training Providers

PURPOSE: This rule defines the documentation requirements and procedures for approval of a course provider of the training of telecommunicators. (The Department of Public Safety is proposing procedures for certification.)

(1) The Department of Public Safety, with the assistance and advice of the Advisory Committee for 911 Service Oversight, is the certifying agency for 911 telecommunicator training.

(2) Organizations, including Public Safety Answering Points (PSAP), which have developed telecommunicator training courses may submit the instructor's manual, handouts, course outline and supporting material to the Department of Public Safety for review and certification. Material submitted will be maintained on file with the department and will be considered proprietary material.

(3) Upon completion of the review process, a certification letter will be mailed, indicating whether the course is acceptable and meets the training intent.

(4) Organizations that have developed courses that are denied certification will be notified in writing as to the reasons for denial. Deficiencies may be corrected and the course resubmitted for consideration.

(5) Organizations may appeal the denial of certification for any course to the Director of the Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. The director is the final adjudication authority for course certification and denial.

(6) Once a course is certified, any changes or modifications, additions and deletions must be submitted to the department for review. Only the modifications need to be forwarded for review, a completely new set of course materials is not required.

(7) Instructor certification is the responsibility of the PSAP. The Department of Public Safety will not issue certification letters for instructors.

(8) PSAPs may contact the Advisory Committee for 911 Service Oversight for general guidelines regarding instructor qualifications and training.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Robb Pilkington, P.O. Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations

PROPOSED AMENDMENT

11 CSR 45-11.110 Refund—Claim for Refund. The commission proposes to amend sections (1), (4) and (7) and delete Appendix A from the *Code of State Regulations*.

PURPOSE: This amendment changes the procedures for refunds due to overpayment to rectify problems identified in a recent review by the state auditor's office. The rule allows for an expedited refund process where there is no factual dispute as to whether a refund is due.

(1) If a tax or fee, penalty or interest has been paid *[by reason of anything other than a clerical error or mistake on the part of the commission (for example, paid more than once, erroneously or illegally collected, or erroneously or illegally computed)]* **by a licensee that is in excess of the amount owed**, the licensee may file a claim for refund or credit. No such claim for refund or credit shall be allowed unless duplicate copies of the claim are filed within three (3) years from the date of overpayment. No claim will be considered unless filed within that time. The three (3)-year period of limitation for the credit or refund begins with the date the licensee pays taxes to the commission on account of the adjusted gross receipts in question or with the date the licensee pays fees to the commission on account of the tickets of admission in question.

(4) A claim for credit or refund shall be approved only—

(B) After the director has determined, in his/her discretion, that *[the reason that the refund or credit was claimed is solely due to a clerical or typographical error by the licensee and that]* **there are** no material facts *[are]* in dispute **regarding the validity of the refund or credit claim**, and the director then, in his/her discretion, issues an order setting forth findings of fact, conclusions of law and an order granting the claim for refund or credit.

(7) The claim for refund or credit forms may be requested by writing to Missouri Gaming Commission, *[11775 Borman Drive, St. Louis, MO 63146]* **P.O. Box 1847, Jefferson City, MO 65102**.

AUTHORITY: sections 313.004, 313.800, 313.805 and 313.822, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Emergency amendment filed June 5, 2000, effective June 16, 2000, expires Feb. 22, 2001. Amended: Filed June 23, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Legal, P.O. Box 1847, Jefferson City, MO, 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register.*** *A public hearing is scheduled for September 7, 2000 at 10:00 a.m. at the Commission's office located at 3417 Knipp Drive, Jefferson City, Missouri.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.004 Isolated or Occasional Sales. This rule was a general guideline to those matters considered by the Department of Revenue in determining whether a sale was an isolated or an occasional sale. This rule interpreted and applied sections 144.010 and 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as a rule no. 88 January 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-1 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 6, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.005 Isolated or Occasional Sales by Businesses. This rule set forth the situations in which an isolated or occasional sale would be nontaxable even though gross receipts exceeded three thousand dollars. This rule interpreted and applied sections 144.010 and 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Aug. 6, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.006 Isolated or Occasional Sales vs. Doing Business—Examples. This rule provided accurate examples of the treatment of isolated or occasional sales and interpreted and applied sections 144.010 and 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-2 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 6, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.007 Partial Liquidation of Trade or Business. This rule interpreted the sales tax law as it applied to the partial liquidation of a trade or business and interpreted and applied section 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.166 Seller of Boats. This rule interpreted the sales tax law as it applied to sellers of boats and interpreted and applied sections 144.010 and 144.070, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-77A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.172 Advertising Signs. This rule interpreted the sales tax law as it applied to advertising signs and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 74 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-81 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.248 Sales to the United States Government. This rule interpreted the sales tax law as it applied to sales to the United States government by citing a court case and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 2 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-1 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Amended: Filed Feb. 23, 1989, effective June 11, 1989. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.260 Nonappropriated Activities of Military Services. This rule interpreted the sales tax law as it applied to nonappropriated activities of military services and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-6 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.262 Government Suppliers and Contractors. This rule interpreted the sales tax law as it applied to the taxation of tangible personal property involving transactions of and to government suppliers and contractors, and interpreted and applied section 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 1 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-7 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.274 Farm Machinery and Equipment. This rule interpreted the sales tax law as it applied to farm machinery and equipment and interpreted and applied sections 144.010 and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S. T. regulation 030-13 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Amended: Filed April 7, 1986, effective June 28, 1986. Amended: Filed Feb. 26, 1987, effective May 28, 1987. Amended: Filed Sept. 28, 1995, effective May 30, 1996. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.278 Agricultural Feed and Feed Additives. This rule interpreted the sales tax law as it applied to sellers of agricultural feed and feed additives and interpreted and applied section 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 60 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-15 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Emergency amendment filed Aug. 18, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Amended: Filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.282 Sales of Seed, Pesticides and Fertilizers. This rule interpreted the sales tax law as it applied to sales of seed, pesticides and fertilizers and interpreted and applied section 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 62 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-17 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.284 Poultry Defined. This rule provided a definition of the term poultry for purposes of the sales tax law and interpreted and applied section 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-18 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.286 Livestock Defined. This rule provided a definition of the term livestock for purposes of the sales tax law and interpreted and applied section 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-19 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.290 Sellers of Poultry. This rule interpreted the sales tax law as it applied to sellers of poultry and interpreted and applied sections 144.010 and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 65 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-22 was last filed Dec. 5, 1975, effective Dec. 15, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.332 United States Government Suppliers. This rule provided when products sold to the United States government would be exempt from sales tax and interpreted and applied sections 144.010 and 144.030.2(6), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-42 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.336 Animals Purchased for Feeding or Breeding Purposes. This rule covered the tax treatment of animals for feeding or breeding purposes and interpreted and applied sections 144.010, 144.020, and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-44 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.590 Advertising Businesses. This rule defined what constituted the sale of advertising for purposes of section 144.034, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed June 13, 1984, effective Nov. 11, 1984. Amended: Filed Dec. 2, 1985, effective March 24, 1986. Rescinded and readopted: Filed April 18, 1990, effective June 28, 1990. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.834 Titling and Sales Tax Treatment of Boats. This rule clarified the treatment of sales tax on the sale and lease of boats, motorboats and watercraft.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1992. Original rule filed May 21, 1986, effective Aug. 25, 1986. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.850 Veterinary Transactions. This rule interpreted the sales tax law as it applied to veterinarians and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Feb. 23, 1989, effective June 11, 1989. Emergency amendment filed Aug. 18, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Amended: Filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.866 Bulldozers for Agricultural Use. This rule interpreted the sales tax law as it applied to bulldozers used for agricultural purposes and interpreted and applied sections 144.010 and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Jan. 16, 1990, effective May 11, 1990. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.145 Audit, No Credit. This rule provided that the director of revenue could permit deductions where exemption certificates are obtained after an audit and interpreted and applied section 144.620, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 640-2 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed May 24, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.100 Driver*[s]* License Procedures for Persons under the Age of Twenty-One. The director proposes to amend the Purpose section and sections (1), (2) and (3).

PURPOSE: This proposed amendment reflects procedure changes required with implementation of over-the-counter processing of driver licenses.

PURPOSE: This rule establishes the procedures to be followed for issuance of a driver[s] license to any person under the age of twenty-one.

(1) Application for a driver*[s]* license shall be completed in accordance with licensing requirements in Chapter 302, RSMo.

(2) An applicant under the age of twenty-one (21) shall receive a Missouri driver*[s]* license with the *[word MINOR printed diagonally across the face of the license.]* **applicant's photo image located on the left side of the driver license and the date that the individual reaches the age of twenty-one (21) printed in red on the driver license.**

[(A) If a person applies for a drivers license and shall become twenty-one (21) years of age within thirty (30) days after the application is made, the Missouri drivers license shall not contain the word MINOR. The department shall not mail the license until one (1) day before the person's twenty-first birthday.

(B) If a person reaches the age of twenty-one (21) during the three (3) years the MINOR drivers license is valid and that person requests a license without the word minor appearing on it, the required application and regular fee must be submitted.

(3) The fee for a drivers license is as follows:

(A) Class F—New, Renewal or Duplicate Fee	*$ 7.50;*
(B) Class E—New, Renewal or Duplicate Fee	*$15.00;*
(C) Class M—New, Renewal or Duplicate Fee	*$ 7.50;*
and	
(D) Class A, B, or C—New, Renewal or Duplicate Fee (If application is made before April 1, 1992)	*$23.00;*
On or after April 1, 1992	*$20.00]*

*AUTHORITY: section 302.181, RSMo Supp. [1992] **1999**. Emergency rule filed Jan. 5, 1987, effective Jan. 15, 1987, expired May 15, 1987. Original rule filed Jan. 5, 1987, effective April 11, 1987. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed May 31, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.110 Procedures for Issuance of a Nondriver License. The director proposes to amend sections (1) through (5).

PURPOSE: This proposed amendment reflects procedure changes required with implementation of over-the-counter processing of nondriver licenses.

(1) Application for a nondriver license shall be completed in accordance with the following procedures:

(A) The applicant shall have a Missouri address **or reside within the boundaries of Missouri**; and

(2) An applicant under the age of twenty-one (21) shall receive a Missouri nondriver license with the *[word MINOR printed diagonally across the face of the nondriver license. If a person—]* **applicant's photo image located on the left side of the nondriver license and the date that the individual reaches the age of twenty-one (21) printed in red on the nondriver license.**

[(A) Applies for a nondriver license and shall become twenty-one (21) years of age within thirty (30) days after the application is made, the Missouri nondriver license shall not contain the word MINOR. The department shall not mail the nondriver license until one (1) day before the person's twenty-first birthday; and

(B) Reaches the age of twenty-one (21) and requests a nondriver license without the word MINOR appearing on it, the required application and fee shall be submitted.

(3) An applicant sixty-five (65) years of age or older shall receive a Missouri nondriver license without a photograph upon proper application and payment of one dollar ($1).

(4) The fee for a Missouri nondriver license, except as specified in section (3), shall be seven dollars and fifty cents ($7.50).

(5) A Missouri nondriver license shall expire three (3) years from the date of issuance.]

*AUTHORITY: section 302.181, RSMo Supp. [1991] **1999**. Emergency rule filed Jan. 5, 1987, effective Jan. 15, 1987, expired May 15, 1987. Original rule filed Jan. 5, 1987, effective April 11, 1987. Amended: Filed July 19, 1991, effective Dec. 9, 1991. Amended: Filed Nov. 21, 1991, effective April 9, 1992. Amended:*

Filed Sept. 11, 1992, effective April 8, 1993. Amended: Filed May 31, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.140 Procedures for Reissuance of a Missouri Driver*[s]* License or Nondriver License Not Received After Mailing by the Department. The director proposes to amend the Purpose section and sections (1) and (2).

PURPOSE: This proposed amendment reflects changes required with the passage of Senate Bill 19, 90th General Assembly and the implementation of over-the-counter license processing.

PURPOSE: This rule establishes the procedures to be followed when an applicant for a driver[s] license or nondriver license does not receive the document after mailing by the department.

(1) If an applicant for a Missouri driver*[s]* license or Missouri nondriver license does not receive the license or nondriver license, the following procedures apply:

(A) The applicant shall receive a duplicate driver*[s]* license or nondriver license if it not received within twenty-five (25) working days after mailing from Jefferson City, but not more than ninety (90) days from the date of application. The duplicate driver*[s]* license or nondriver license shall be processed at no additional cost to the applicant; **and**

[(B) The applicant shall complete a signed statement that the drivers license or nondriver license was never received; and]

[(C)] **(B)** The applicant shall complete the proper application *[and be rephotographed at a licensing office]* **for a duplicate driver or nondriver license**.

(2) If the applicant requests any changes on the **duplicate** Missouri driver*[s]* license or nondriver license, the fee of seven dollars and fifty cents ($7.50) for a Class F or Class M license, fifteen dollars ($15) for a Class E license, twenty dollars ($20) for a Class A, B, or C license, or *[seven dollars and fifty cents ($7.50)]* **three dollars ($3)** for a **photo** nondriver license shall be required. **A one dollar ($1) fee is required for a duplicate nonphoto nondriver license.**

*AUTHORITY: sections 302.181, RSMo [Supp. 1992] **Supp. 1999** and 302.185, RSMo [Supp. 1989] **1994**. Original rule filed April 15, 1988, effective Sept. 29, 1988. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed Sept. 11, 1992, effective April 8, 1993. Amended: Filed May 31, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

PROPOSED RESCISSION

12 CSR 10-24.310 Social Security Number as Drivers License Number. This rule established that the Social Security number should be the drivers license number.

PURPOSE: This rule is being rescinded as with the passage of Senate Bill 19, 90th General Assembly, commercial drivers are allowed to object to the use of the Social Security number as the driver license number in the same manner as noncommercial drivers.

AUTHORITY: sections 302.171, RSMo Supp. 1991, 302.181, RSMo Supp. 1992 and 302.765, RSMo Supp. 1989. Original rule filed March 5, 1990, effective June 11, 1990. Amended: Filed April 8, 1991, effective Oct. 31, 1991. Emergency amendment filed July 15, 1991, effective July 25, 1991, expired Nov. 21, 1991. Amended: Filed July 15, 1991, effective Oct. 31, 1991. Amended: Filed Sept. 16, 1991, effective Jan. 13, 1992. Rescinded: Filed May 31, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

PROPOSED RULE

12 CSR 10-24.460 Driver's Privacy Protection Act

*PURPOSE: This rule defines express consent and opt-in pursuant to the Federal Driver's Privacy Protection Act, section 2721(b)(11) and 2721(b)(12) of Title 18 of the **United States Code** and as amended by Public Law 106-69, section 350.*

(1) A record holder is deemed to have given express consent to release his/her personal information when the Department of Revenue receives a written request from the record holder for the release of this information to another party. The Department of Revenue shall require express consent from the record holder each time a request for the record holder's personal information is submitted from another party who is not exempt under the Federal Driver's Privacy Protection Act.

AUTHORITY: section 32.091, RSMo Supp. 1999. Original rule filed May 31, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility

PROPOSED AMENDMENT

12 CSR 10-25.030 Hearings Held Pursuant to Section 303.290.1, RSMo. The director proposes to amend sections (1) through (5), (8) and (10) and to delete the forms that follow this rule in the *Code of State Regulations*.

PURPOSE: The purpose of this amendment is to clarify the requirements for hearing procedures.

(1) Parties must request a hearing by **the** compliance date as *[stated on the form published with this rule]* **established by the Department of Revenue**. Failure to request a hearing by the date will be considered a waiver of the right to an administrative hearing and will make final for the purposes of review of the director's decision.

(2) If any request for a hearing required to be filed on or before a prescribed date is delivered after that date by United States mail to the director of revenue, or the office or person in that office with which or with whom the request is required to be filed, the date of the United States postmark stamped on the envelope shall be deemed to be the date of filing. This shall apply only if the postmarked date falls on or before the *[prescribed]* **compliance** date as *[stated on]* **established by** the *[form published with this rule]* **Department of Revenue**. If any date for performing any act falls on a Saturday, Sunday or legal holiday in this state, the performance of the act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

(3) Failure to request a hearing by the compliance date with the Department of Revenue, Drivers License Bureau, **or failure to appear at a hearing in person, by affidavit or by telephone,** will preclude that party from obtaining judicial review in the circuit court of the county of residence of the licensee. The filing of a petition for review under section 303.290.2, RSMo automatically will stay any decision of the director pending the decision of the court; provided, a copy of the petition is filed with the director.

(4) Hearings *[will be held in Jefferson City, Missouri. Cases will be placed on the administrative docket in the order in which they are received.]* **for officer notice sampling cases will be scheduled and conducted by telephone unless a request for an in-person hearing is made. All other hearings under Chapter 303, RSMo will be held in Jefferson City, Missouri.**

(5) Parties requesting hearings will be notified of the date and the time of the hearing by first class mail **at least ten (10) days prior to the hearing date**. Copies of the notices will go to the attorneys of record and the parties involved.

(8) Hearing Procedures.

(A) The director or his/her representative shall state to the requesting party that the *[director has determined there is a reasonable possibility of a money judgment being rendered against the party and the basis of the decision of the director.]* **request for hearing for the Notice of Suspension has been received. Other uninsured parties involved in the case, if any, shall be notified that the Department of Revenue has made a preliminary determination that a party was an uninsured motorist and subject to the Motor Vehicle Financial Responsibility Law, and a request for an administrative hearing has been received. All other insured parties involved in the case, if any, shall be notified that the Department of Revenue has determined the uninsured parties driving and/or registration privileges may be suspended as required by the Motor Vehicle Financial Responsibility Law, and a request for an administrative hearing has been received.**

(B) The requesting party may present any new facts which s/he feels may show that there is no reasonable possibility of a money judgment being rendered **or that the percent of liability or amount of security required should be reduced**. **The party may also present any new facts that s/he feels may show why s/he should not be suspended for violation of the Motor Vehicle Financial Responsibility Law.**

(C) Parties may present testimony by affidavit. Affidavits may be filed at time of hearing or after notice of setting of hearing. *[Parties will submit original and three (3) copies of affidavits.]*

(D) Failure to appear at the hearing **in person, by affidavit or by telephone** at the stated time will make final the decision of the director as of that date.

(10) The effective date of the director's decision shall be the compliance date *[set out on]* **established by** the *[form (MO 860-1790) published with this rule]* **Department of Revenue** or the date set out in the hearing decision letter, whichever date is later.

*AUTHORITY: section 303.290, RSMo [1986] **1994**. Original rule filed Nov. 23, 1973, effective Dec. 3, 1973. Amended: Filed Jan. 17, 1974, effective Jan. 27, 1974. Amended: Filed July 3, 1981, effective Oct. 15, 1981. Amended: Filed May 31, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game*[s]*

PROPOSED AMENDMENT

12 CSR 40-85.005 Definitions for All On-Line Games. The commission proposes to amend sections (4), (5), (6), (7), and (12) and to delete section (13).

PURPOSE: The purpose of this amendment is to remove certain digits which may change from time-to-time.

(4) On-line game. A game played on an on-line terminal which is in communication with the lottery's computer *[.]***; also known as a computer-generated game.**

(5) On-line lottery contractor. A licensed retailer who has contracted with the lottery to sell on-line *[tickets]* **games**.

(6) On-line system. The lottery's on-line computer system consisting of on-line terminals*[,]* **and related equipment which communicates with the** central processing equipment and a communication network.

(7) On-line terminal (OLT). Computer hardware through which an on-line lottery contractor enters the combination selected by a player and by which *[on-line]* **game** tickets are generated and claims may be validated.

(12) Validation number. The *[thirteen (13) digit]* number printed on the front of each on-line ticket which is used for validation.

[(13) Winning combination. Two (2) or more items selected by a drawing.]

*AUTHORITY: section 313.220, RSMo Supp. [1988] **1999**. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed May 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game*[s]*

PROPOSED AMENDMENT

12 CSR 40-85.010 On-Line Game Contract Provisions. The commission proposes to amend subsection (1)(A) and paragraphs (1)(D)7. and 8. and to delete the form following the rule in the *Code of State Regulations*.

PURPOSE: The purpose of this amendment is to further clarify provisions for the on-line game contract.

(1) In addition to provisions of the on-line contract unique to each contractor, the on-line game contract may provide the following provisions:

(A) A discount commission of *[five percent (5%)]* **a percentage set by the executive director** of on-line tickets sold by the contractor*[;]***.**

(D) Requirements that the contractor—

1. Sell all on-line games offered;
2. Furnish players with proper claim forms provided by the lottery;
3. Post winning numbers prominently;
4. Attend training provided by the lottery;
5. Allow only trained personnel to operate terminals;
6. Report malfunctions; *[and]*
7. Prominently display point-of-sale **and other game-related** materials; **and**
8. **Sell Scratcher games.**

*AUTHORITY: section 313.220, RSMo Supp. [1988] **1999**. Original rule filed June 4, 1986, effective June 14, 1986. Amended: Filed March 17, 1987, effective March 27, 1987. Amended: Filed March 1, 1988, effective May 26, 1988. Amended: Filed May 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game*[s]*

PROPOSED AMENDMENT

12 CSR 40-85.030 On-Line Ticket Validation Requirements. The commission proposes to amend subsections (1)(I) and (J) and add subsection (1)(K).

PURPOSE: The purpose of this amendment is to allow the executive director the flexibility to react to various situations as they relate to ticket claims.

(1) All of the following requirements must be met for an on-line game ticket to be a valid on-line game winning ticket:

(I) The ticket may not be misregistered or defectively printed to an extent that it cannot be processed by the lottery; *[and]*

(J) The ticket shall pass all other confidential security checks of the lottery *[.]***; and**

(K) Executive director may allow exceptions to the criteria in this rule.

*AUTHORITY: section 313.220, RSMo Supp. [1988] **1999**. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed May 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game*[s]*

PROPOSED AMENDMENT

12 CSR 40-85.050 Prize Amounts for On-Line Parimutuel Games. The commission proposes to amend sections (4) and (5).

PURPOSE: The purpose of this amendment is to clarify the prize claiming process for multiple prize winners on one winning ticket.

(4) In an on-line game, if no winning ticket qualifies for any of the prize categories, the amount allocated for prize**s** shall be carried over and added to the prize pool of the next drawing for that particular game *[as part of the prize pool for that category.]* **or will be allocated to other prize levels according to the rules of that game.**

(5) The amount allocated to the first prize *[will]* **may** be used to purchase *[an annuity]* **securities or an annuity** for each winning play. The first prize will be payable to winning tickets by an initial cash payment plus equal payments as established by the executive director *[occurring on the anniversary date of the drawing]*. Any winning ticket owned in shares by multiple owners shall be funded as outlined above to the owners as declared on the claim form for claiming the on-line prizes. As established by the executive director, the first prize may be payable to winning ticket holder(s) in a lump sum cash payment equal to the cash value of the first prize annuity or a percentage of the first prize. **The decision to accept a lump sum payment must be unanimously agreed to by all owners of the ticket.**

*AUTHORITY: sections 313.220, RSMo Supp. [1997] **1999** and 313.230, RSMo 1994. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed May 14, 1987, effective Aug. 13, 1987. Amended: Filed Aug. 4, 1988, effective Oct. 27, 1988. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Amended: Filed May 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game*[s]*

PROPOSED AMENDMENT

12 CSR 40-85.060 Further Limitations on On-Line Prizes. The commission proposes to amend sections (2), (4) and (6).

PURPOSE: The purpose of this amendment is to clarify that the rule applies to all on-line games.

(2) There may not be any *[other]* breach of the statutes or rules in relation to the ticket which, in the opinion of the executive director *[of the lottery,]* justifies disqualification.

(4) The *[contract]* **information** printed on the ticket stock shall not be interpreted as providing any prize or procedure other than authorized by the lottery statute contained in section 313.200, RSMo**,** *[and]* **for that game** the rules of the commission **and the rules for that game**.

(6) *[A Lotto]* **An on-line game** play may only be claimed for *[one (1)]* **the highest** prize category **won**.

*AUTHORITY: section 313.220, RSMo Supp. [1988] **1999**. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed May 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game*[s]*

PROPOSED AMENDMENT

12 CSR 40-85.080 Payments of Prizes *[up]* ***Up*** **to $599 Authorized**. The commission proposes to amend sections (4), (5) and (6).

PURPOSE: The purpose of this amendment is to clarify the games and prize amounts on-line contractors pay and the Lottery pays.

[(4) Free plays may be redeemed for thirty (30) days following the drawing.]

[(5)] **(4)** All winning tickets*[, except winning first prize Lotto tickets,]* **up to $599** may be processed at an on-line lottery contractor.

[(6)] **(5)** Winning *[first prize Lotto]* tickets **over $599** shall be processed at or with a lottery redemption center*[.]***, the location of which shall be published periodically by the Lottery.**

*AUTHORITY: section 313.220, RSMo Supp. [1988] **1999**. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed May 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games

PROPOSED RESCISSION

12 CSR 40-85.110 Pick-3 Game. This rule defined certain terms for the Pick-3 on-line game.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1997. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed Feb. 4, 1993, effective Aug. 9, 1993. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Rescinded: Filed May 25, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games

PROPOSED RESCISSION

12 CSR 40-85.120 Winning Tickets in Pick-3. This rule set the criteria for Pick-3 winning tickets.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1997. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Rescinded: Filed May 25, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games

PROPOSED RESCISSION

12 CSR 40-85.130 Prize Amounts for Pick-3. This rule determined the prize amounts for the Pick-3 Game.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1997. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed May 3, 1988, effective Aug. 25, 1988. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Rescinded: Filed May 25, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game*[s]*

PROPOSED AMENDMENT

12 CSR 40-85.140 Drawing and Selling Times. The commission proposes to amend the Purpose section and sections (1), (2) and (3).

PURPOSE: The purpose of this amendment is to give the executive director flexibility to set drawing times and places by game or event.

PURPOSE: This rule establishes the drawing and selling times for the on-line [and Pick-3] games.

[(1) Lotto drawing shall take place at least once weekly.]

[(2) Lotto America drawings shall take place at least once weekly.]

[(3)] **(1)** Drawings shall be conducted at times and places designated by the executive director.

AUTHORITY: section 313.220, RSMo Supp. [1988] ***1999****. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed Dec. 5, 1988, effective April 27, 1989. Amended: Filed May 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games

PROPOSED RESCISSION

12 CSR 40-85.150 Breakage. This rule defined the term breakage as it will be used in the Pick-3 and on-line games.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1988. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Rescinded: Filed May 25, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games

PROPOSED RESCISSION

12 CSR 40-85.160 Prize Pool for Pick-3. This rule provided that if the prize pool was not won on a particular day that prize should be added to the prize pool of the next Pick-3 draw.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1988. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Rescinded: Filed May 25, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 95—Pull Tab Game

PROPOSED AMENDMENT

12 CSR 40-95.010 Pull Tab Game. The commission proposes to amend subsections (1)(B) and (F).

PURPOSE: The purpose of this amendment is to allow the executive director to set prices for Pull Tab tickets and to set retailer commissions for Pull Tab tickets.

(1) The following rule shall define the game Pull Tab as a game for the Missouri Lottery:

(A) Pull Tab tickets are lottery tickets that are played by opening tabs to reveal if a prize was won. *[Each pull tab shall have three (3), four (4) or five (5) tabs under which play symbols will appear.]* A winning ticket will be determined by matching, aligning, adding or locating symbols or numbers under the tabs, or as specifically described on the ticket or in an individual game rule;

[(B) Pull Tab tickets shall not be sold for more than one dollar ($1);]

(B) The price of Pull Tab tickets to retail licenses shall be established by the executive director;

(F) Compensation for the sale of Pull Tab tickets shall be paid by the lottery *[in the form of an eight percent (8%)]* **at an amount to be determined by the executive director as a** discount from the retail price of tickets in each carton. The executive director may institute an incentive program.

*AUTHORITY: section 313.230, RSMo [1986] **1994**. Original rule filed Feb. 16, 1990, effective April 26, 1990. Amended: Filed May 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.010 Definitions

PURPOSE: This rule provides the definitions needed to describe the terms of the defined contribution plan authorized by sections 50.1210 to 50.1260, RSMo.

(1) Whenever used in this Chapter 10, the following terms shall have the meanings as set forth in this rule 16 CSR 50-10.010 unless a different meaning is clearly required by the context:

(A) Account means the individual bookkeeping account maintained for each Participant that represents his or her total proportionate interest in the Trust Fund, and shall include the following subaccounts of the Participant: seed account, matching account and rollover account.

(B) Beneficiary means the person, persons, or legal entity entitled to receive benefits under this Plan which become payable in the event of the Participant's death.

(C) Board means the Board of Directors of the County Employees' Retirement Fund.

(D) Code means the *Internal Revenue Code* of 1986, as amended, and includes any regulations thereunder.

(E) Compensation means all salary and other compensation paid by an Employer to a county employee for personal services rendered as a county employee, as shown on the Employee's Form W-2, plus amounts paid by an Employer but excluded from W-2 compensation by reason of Code sections 125, 402(g)(3), 414(h)(2), or 457, but not including travel and mileage reimbursement, and not including compensation in excess of the limit imposed by section 401(a)(17) of the Code.

(F) Employee means any person, an elective or appointive county official or employee regularly employed by a county who is under the direct control and supervision of a county or an elected or appointed county official and who is subject to continued employment, promotion, salary review or termination by a county or an elected or appointed county official and who is compensated directly from county funds and whose position requires the actual performance of duties during not less than one thousand (1,000) hours per calendar year, except county prosecuting attorneys covered under sections 56.800–56.840, RSMo, circuit clerks and deputy circuit clerks covered under the Missouri State Retirement System and county sheriffs covered under sections 57.949–57.997, RSMo, and employees who received some compensation from the county but who are subject to hiring, supervision, promotion or termination by an entity other than the county such as an extension council or the circuit court.

(G) Employer means each county in the state, except any city not within a county and counties of the first classification with a charter form of government.

(H) 457 Plan means the County Employees' Deferred Compensation Plan described in 16 CSR 50-20.010 et seq.

(I) Hardship means an immediate and heavy financial need of the Participant resulting from:

1. Expenses for medical care described in Code section 213(d), previously incurred by the Participant, the Participant's spouse, or any dependents of the Participant (as defined in Code section 152) or necessary for these persons to obtain medical care described in Code section 213(d));

2. Costs directly related to the purchase of a principal residence for the Participant (excluding mortgage payments);

3. Payment of tuition and related educational fees for the next 12 months of postsecondary education for the Participant, or the Participant's spouse, children, or dependents (as described in Code section 152); or

4. Payments necessary to prevent the eviction of the Participant from the Participant's principal residence or foreclosure on the mortgage on that residence. Payment may not be made in the event that the Hardship is or may be relieved through reimbursement or compensation by insurance or otherwise, by liquidation of the Participant's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship, or by cessation of deferrals under the 457 Plan.

(J) Hour of Service means each hour for which an Employee is paid, or entitled to payment, for the performance of duties for the Employer.

(K) Investment Manager means any individual or entity described in 16 CSR 50-10.080 who is designated by the Board as having the power to manage, acquire, or dispose of any asset of the Plan in accordance with the provisions of the Plan.

(L) Investment Option means one of the options established by the Board, in which amounts contributed to a Participant's Account may be invested at the Participant's discretion. There is no limit on the type of investment that the Board may designate as an option.

(M) LAGERS means the Local Government Employees' Retirement System presently codified at sections 70.600 to 70.755, RSMo.

(N) Participant means an Employee or former Employee who has joined the Plan in accordance with rule 16 CSR 50-10.020 and who retains his or her Account under the Plan.

(O) Plan means the County Employees' Defined Contribution Plan as set forth in this Chapter 10 and sections 50.1210 to 50.1260, RSMo.

(P) Plan Year means the calendar year.

(Q) Separation from Service means the severance of a Participant's employment with an Employer for any reason, including retirement or disability.

(R) Trust Fund means the County Employees' Retirement Fund.

(S) Trustee means the entity, or individuals, or committee that is responsible for holding and managing the Trust Fund.

(T) Year of Service means the amount of an Employee's employment as a county employee used to determine the Employee's vested interest in his or her matching account as described in 16 CSR 50-10.070.

AUTHORITY: sections 50.1000, 50.1210–50.1260, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.020 Participation

PURPOSE: This rule defines the class of employees who may become participants in the defined contribution plan.

On and after January 1, 2000, as an incident to employment or continued employment, each Employee shall become a Participant in the Plan upon the later of i) January 1, 2000 or ii) the date the Employee becomes a member of the pension fund described in 50.1000 to 50.1200, RSMo.

AUTHORITY: sections 50.1000 and 50.1210, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

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Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.030 Contributions

PURPOSE: This rule describes the contributions that may be made to the defined contribution plan, the allocation of those contributions to participants, the source of these contributions, and limitations on the contributions.

(1) Seed Contribution. Each Employee who is not a member of Local Government Employees' Retirement System (LAGERS) shall make a contribution of seven-tenths of one percent of his or her Compensation to his or her seed account. This contribution shall be made by payroll deduction. Contributions shall commence immediately upon the date the individual becomes an Employee (or January 1, 2000, if later). The seed contribution shall be designated as an employee "pick-up" contribution, as described in section 414(h)(2) of the Code. A Participant may not waive this contribution requirement by opting out of the Plan.

(2) Matching Contribution. The Board, in its sole discretion, shall determine if it will make matching contributions for a Plan Year and the aggregate amount of the contribution. Such determination shall be made after the close of the Plan Year for which the contribution is made. Each Qualified Participant (as defined in section (3) below) who makes contributions to the 457 Plan during the Plan Year for which the matching contribution is made shall be eligible to receive an allocation of this matching contribution. Generally, the Board shall allocate matching contributions *pro rata* to the Qualified Participant's matching account, on the basis of a Qualified Participant's contributions to the 457 Plan. However, the Board shall follow these rules in making this allocation:

(A) Contributions allocated to a Qualified Participant who is not a member of LAGERS shall equal the least of: i) three percent of such non-LAGERS member's Compensation for the Plan Year, ii) fifty percent of such non-LAGERS member's contributions to the 457 Plan, or iii) the matching percentage designated by the Board for the Plan Year, multiplied by the Qualified Participant's contributions to the 457 Plan for the Plan Year.

(B) Contributions allocated to a Qualified Participant who is a member of LAGERS shall equal the least of: i) one and one-half percent of such LAGERS member's Compensation for the Plan Year, ii) twenty-five percent of such LAGERS member's contributions to the 457 Plan, or iii) one-half of the matching percentage designated by the Board for the Plan Year, multiplied by the Qualified Participant's contributions to the 457 Plan for the Plan Year.

(C) If a matching contribution is made for a Plan Year, but is allocated to the Participant's matching account after the close of the Plan Year, that allocation shall be adjusted to reflect the investment performance of the Member's Account subsequent to the close of the Plan Year.

(3) A Participant is a "Qualified Participant" for a Plan Year, if he or she is employed by an Employer and:

(A) Is employed on the last day of the Plan Year and has earned 1,000 Hours of Service during the Plan Year;

(B) Is on a leave of absence taken under the Family and Medical Leave Act of 1993 on the last day of the Plan Year or, as of the last day of the Plan Year, is on an absence for sickness or injury of less than 12 months, that is counted as Creditable Service under 16 CSR 50-5.030;

(C) Dies during the Plan Year; or

(D) Retires during the Plan Year. "Retirement," for this purpose, means termination of employment after attainment of age 62 after having become fully vested in accordance with rule 16 CSR 50-10.070.

(4) Source of Matching Contributions. The source of matching contributions (if made) shall be the funds described in sections 50.1020, 50.1190 and 50.1200, RSMo. Such funds shall be held in a separate trust (which shall be exempt from federal income tax in accordance with section 115 of the Code) until the Board determines whether all such funds must be contributed to the pension plan described in sections 50.1000 to 50.1200, RSMo to maintain the actuarial sufficiency of such plan or whether a portion of these funds may be contributed to the Plan described in this Chapter 10.

(5) Rollover Contributions. The Plan shall accept a cash rollover contribution (within the meaning of Code sections 402(c) and 408(d)(3)(A), including optional direct transfers under Code section 401(a)(31)) on behalf of a Participant, from any plan qualified under Code section 401(a) and any individual retirement account meeting the requirements of Code section 408(d)(3)(A)(ii). The Board (or its designee) may require a Participant to submit evidence that all of a contemplated contribution constitutes proceeds of an "eligible rollover distribution" (as described in Code section 402(c)(4)) before allowing the Participant to make a contribution under this section.

(6) 415 Limitation. As of the close of a Plan Year, the Board shall determine whether contributions to the Plan have been made, which exceed the limitations of Code section 415(c). The Board shall use W-2 compensation (as defined in 26 CFR 1.415-2(d)(11)(i)) in making this determination, except that the Board shall include amounts excluded from W-2 compensation by reason of Code sections 125, 402(g)(3) and 457. If, as a result of the allocation for forfeitures or a reasonable error in estimating a Participant's annual compensation, the annual addition to a Participant's Account exceeds the maximum permitted, matching contributions constituting excess annual additions (and any gains on those contributions) shall be forfeited and applied to reduce the matching contribution obligation for the Plan Year in which the forfeiture occurs.

(7) Reemployed Veterans. If a Participant terminates employment to serve in a uniformed service (as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994) and returns to the employ of an Employer before his or her statutory reemployment rights expire, then:

(A) The Participant shall be permitted to make the seed contributions he would have been able to make except for the fact that he was in a uniformed service; and

(B) The Employer shall match the Participant's make-up contributions under the 457 Plan in the manner those contributions

would have been matched had they been made during the Participant's stint in a uniformed service.

AUTHORITY: sections 50.1220 and 50.1230, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.040 Accounts of Participants

PURPOSE: This rule describes the accounting for a participant's interest in the defined contribution plan and the investment of a participant's account.

(1) Account for Each Participant. An individual bookkeeping Account shall be maintained for each Participant, to record his or her interests under the Plan. Each Account shall be divided into the following subaccounts to track contributions, investment earnings and losses, and expense charges:

(A) A seed account for seed contributions pursuant to rule 16 CSR 50-10.030(1);

(B) A matching account for matching contributions pursuant to rule 16 CSR 50-10.030(2);

(C) A rollover account for rollover contributions pursuant to rule 16 CSR 50-10.030(5); and

(D) Any other subaccounts as the Trustee, Board, or Investment Manager deems necessary to keep track of a Participant's interests under the Plan.

(2) Investments. If the Board establishes a directed investment program, a Participant may request that his or her Account (and the contributions allocated to his or her Account) be allocated among the Investment Options made available by the Board. The initial allocation request shall be made at the time an Employee becomes a Participant. Once made, an investment allocation request shall remain in effect for all contributions allocated to the Participant's Account until changed by the Participant. A Participant may change his or her investment allocation by submitting a request to the Board (or its designee) in such form as may be permitted by the Board (or its designee). Such changes shall become effective as soon as administratively feasible after the Board (or its designee) receives such request. If the Participant fails to make an investment allocation request at the time of his or her enrollment, the Participant's Account shall be invested in default Investment Options selected by the Board, until such time as the Participant submits an investment allocation request.

AUTHORITY: section 50.1240, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

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Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.050 Distribution of Accounts

PURPOSE: This rule describes the timing and form of benefit payments from the defined contribution plan.

(1) Eligibility for Payment. Generally, distribution to a Participant of his or her vested Account shall be made no earlier than Separation from Service. However, a Participant may request withdrawal of all or a portion of his or her matching account and his or her rollover account before Separation from Service after attainment of age 59 1/2. Such withdrawals shall be made first from the Participant's rollover account, and then from the vested portion of his or her matching account.

(2) Distribution Due to Hardship. A Participant may request a distribution due to Hardship by submitting a request to the Board (or its designee) in such form as may be permitted by the Board (or its designee). The Board (or its designee) shall have the authority to require such evidence as it deems necessary to determine if a distribution is warranted. If an application for a distribution due to a Hardship is approved, the distribution is limited to the lesser of—

(A) An amount sufficient to meet the need, less the value of the Participant's account in the 457 Plan; or

(B) The amount held in the Participant's rollover account.

The amount of the need shall include any amounts necessary to pay any federal, state or local income taxes (including withholding) or penalties reasonably anticipated to result from the distribution. The allowed distribution shall be paid in a single sum to the Participant as soon as administratively feasible after approval of such distribution.

(3) Commencement of Distributions.

(A) General Rule. Distribution of a Participant's Account under the Plan shall be made in a single sum as soon as administratively feasible after the Participant's Separation from Service occurs, unless the Participant elects to defer this payment. A Participant may elect that the single-sum distribution of benefits be made at any time following his or her Separation from Service as long as distributions commence no later than 60 days following the date on which the Participant attains age 70 1/2, or retires, if later.

(B) Notwithstanding subsection (3)(A), if the value of a Participant's Account is $5,000 or less, then his or her benefit under the Plan shall be distributed to the Participant in a single sum as soon as administratively feasible following his or her Separation from Service.

(C) Employees who terminate employment and then resume employment with an Employer within 30 days will not forfeit their

prior service and will not be required to receive a refund of their payroll contributions.

(4) Direct Rollover Option.

(A) A distributee may elect to have an eligible rollover distribution paid directly to a single eligible retirement plan specified by the distributee. However, this election may not be made if the total eligible rollover distributions paid to the distributee from the Plan will be less than $200.

(B) A distributee may elect to divide an eligible rollover distribution so that part is paid directly to an eligible retirement plan and part is paid to the distributee. However, the part paid directly to the eligible retirement plan must total at least $500.

(C) A distributee may elect a direct rollover after having received a written notice which complies with the rules of Code section 402(f). In general, payment to a distributee shall not begin until 30 days after the section 402(f) notice is given. However, payment may be made sooner if the notice clearly informs the distributee of the right to a period of at least 30 days to consider the decision of whether or not to make a direct rollover, and the distributee, after receiving the notice, makes an affirmative election to receive an immediate distribution. A distributee who fails to make an election in the 30-day period shall receive the eligible rollover distribution immediately after the 30-day period expires.

(D) For purposes of this section (4), the following terms have the meanings set forth below:

1. An "eligible rollover distribution" is any distribution or withdrawal payable under the terms of this Plan to a Participant, which is described in Code section 402(c)(4). In general, this term includes any single-sum distribution, and any distribution which is one in a series of substantially equal periodic payments made over a period of less than ten years, and is less than the distributee's life expectancy. However, an eligible rollover distribution does not include the portion of any distribution which constitutes a minimum required distribution under Code section 401(a)(9). Such term also does not include a distribution to the Participant's Beneficiary, unless the Beneficiary is the Participant's spouse.

2. "Eligible retirement plan" means—

A. An individual retirement account described in Code section 408(a);

B. An individual retirement annuity described in Code section 408(b);

C. An annuity plan described in Code section 403(a); and

D. A retirement plan qualified under Code section 401(a), but only if the terms of the plan permit the acceptance of rollover distributions.

However, in the case of an eligible rollover distribution to a Beneficiary who is a surviving spouse, an "eligible retirement plan" is an individual retirement account or an individual retirement annuity.

3. "Distributee" means a Participant or the spouse of a deceased Participant.

(5) Compliance with Code Section 401(a)(9). Regardless of any contrary provision in the Plan, any distribution shall be determined in accordance with Code section 401(a)(9) and the proposed regulations thereunder, including the "minimum distribution incidental benefit requirement" of prop. Code section 1.401(a)(9)-2. Accordingly, distribution of a Participant's Account shall be made no later than the April 1 of the calendar year following the later of—

(A) The calendar year in which the Participant attains age 70 1/2; or

(B) The calendar year in which the Participant retires.

(6) Return of Mistaken Payments. Notwithstanding anything to the contrary, a Participant or Beneficiary is entitled to only those benefits provided by the Plan and promptly shall return any payment, or portion thereof, made by mistake of fact or law. The Board may offset the future benefits of any recipient who refuses to return an erroneous payment, in addition to pursuing any other remedies provided by law.

(7) Forfeitures. If a Participant has a Separation from Service and is not vested in his or her matching account, he/she shall forfeit the non-vested portion of the matching account upon the Separation from Service. This forfeiture shall be applied to reduce matching contributions for the Plan Year in which distribution occurs.

AUTHORITY: sections 50.1250 and 50.1260, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.060 Death Benefits

PURPOSE: This rule describes the benefits available to a Participant's Beneficiary upon his or her death and the procedure for designating a beneficiary.

(1) Death Benefit. As soon as administratively feasible following the death of a Participant, the Participant's Beneficiary shall receive a single-sum distribution of the Participant's entire remaining Account balance.

(2) Beneficiary Designation. A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time, in writing. Such designation, amendment or revocation shall be effective upon receipt by the Board (or its designee).

(3) Failure to Designate a Beneficiary. If no designated Beneficiary survives the Participant (or if no Beneficiary designation has been received or approved by the Board) and benefits are payable following the Participant's death, the Board shall direct that payment of benefits be made to—

(A) The spouse of the Participant; or

(B) The Participant's estate.

(4) Direct Rollover. If the Participant's Beneficiary is his or her spouse, the direct rollover provisions shall apply to a distribution in accordance with this rule.

AUTHORITY: section 50.1250, RSMo Supp. 1999. Original rule file May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

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Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.070 Vesting and Service

PURPOSE: This rule describes when a Participant vests in his or her defined contribution plan account.

(1) Vesting. A Participant's interest in his or her matching account shall become fully vested and nonforfeitable upon his or her completion of five Years of Service, or upon the Participant's death (if the Participant dies before his or her Separation from Service). A Participant shall always be 100% vested in his or her seed and rollover accounts.

(2) "Years of Service" means the total time of an Employee's employment as a county employee with any Employer, measured in years. With respect to county employment before January 1, 2000, Years of Service shall be the Participant's creditable service, as determined in accordance with section 50.1090, RSMo, and regulations issued under the authority of that section, unless that period is excluded under section (3). With respect to county employment on or after January 1, 2000, the Participant shall receive credit for a Year of Service for each Plan Year in which he/she completes 1,000 Hours of Service, unless that period is excluded under section (3). Additionally, a period of employment in a uniformed service (as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994) shall constitute Years of Service, if the Participant was an Employee before his or her employment in the uniformed service and he/she returns to employment with an Employer before his or her reemployment rights under the statute expire.

(3) The following periods do not constitute Years of Service, regardless of any provision in this rule 16 CSR 50-10.070 to the contrary:

(A) A Plan Year beginning on or after January 1, 2000, in which an Employee earns less than 1,000 Hours of Service, unless the failure to earn such Hours of Service was the result of a leave described in the Family and Medical Leave Act of 1993; and

(B) A rehired Employee's period of employment before his or her immediately preceding Separation from Service, unless the Participant was either: i) vested in his or her matching account at the time of the Separation from Service, ii) if his or her Separation from Service occurred before January 1, 2000, the Participant was fully vested within the meaning of section 50.1140(1), RSMo at the time of the Separation from Service, or iii) such prior period is determined to be part of the Participant's creditable service, in accordance with section 50.1090 RSMo, and regulations issued under the authority of that section.

AUTHORITY: sections 50.1090 and 50.1250, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

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Title 16—RETIREMENT SYSTEMS
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Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.080 Plan Administration

PURPOSE: The purpose of this rule is to outline the administrative procedures and responsibilities for the defined contribution plan.

(1) Plan Administrator. The management of the Plan shall be vested in the Board according to the provisions in sections 50.1000 to 50.1260, RSMo, as such Board is established in section 50.1030 RSMo. The Board shall have all powers necessary to effect the management and administration of the Plan in accordance with its terms, including, but not limited to, the following:

(A) To establish rules and regulations for the administration of the Plan, for managing and discharging the duties of the Board, for the Board's own government and procedure in so doing, and for the preservation and the protection of the assets of the Plan.

(B) To interpret the provisions of the Plan and to determine any and all questions arising under the Plan or in connection with the administration thereof. A record of such action and all other matters properly coming before the Board shall be kept and preserved.

(C) To determine all considerations affecting the eligibility of any person to be or become an Employee and Participant of the Plan.

(D) To determine the amount of the Participant's contributions to be withheld by the Employer in accordance with the Plan and to maintain records of such contributions as are necessary under the Plan.

(E) To determine Years of Service of any Participant and to compute the amount of the Account balance, or other sum, payable under the Plan to any person.

(F) To authorize and direct all disbursements of Participant Accounts under the Plan and payment of the Plan expenses.

(G) To make valuations of assets held under the Plan.

(H) To employ such counsel and agents, and to obtain such clerical, medical, legal, accounting, investment advisory, custodial and other services as it may deem necessary or appropriate in carrying out the provisions of the Plan.

The decisions of the Board and any action taken by it in respect to the management of the Plan shall be conclusive and binding upon any and all Employees, officials, former Employees and officials, Participants, their Beneficiaries, heirs, distributees, executors, administrators and assigns and upon all other persons whomsoever.

(2) Amendment of Plan. The Board shall have the right to amend the Plan through amendment of this Chapter 10, at any time and from time to time, in whole or in part, provided such regulations do not conflict with the provisions of sections 50.1210 to 50.1260, RSMo.

(3) Trust Fund.

(A) General Rule. The assets of the Plan shall be held as a part of the Trust Fund, and shall share in the gains and losses of the Trust Fund. The value of a Participant's Account shall be determined as of each business day, in accordance with generally accepted accounting procedures.

(B) Directed Investment Program. The Board may permit Participants to direct investments in accordance with 16 CSR 50-10.040(2). If the Board establishes such a program, the assets of the Plan shall continue to be part of the Trust Fund. However, the Board shall appoint an Investment Manager who shall have power to manage, acquire, or dispose of any Plan asset in accordance with the directed investment program described in 16 CSR 50-10.040(2). The Trustee shall not be under any obligation to invest or otherwise manage any asset of the Plan which is subject to the management of the Investment Manager.

(C) Investment Manager. The Board may select the following entities as Investment Manager:

1. An investment adviser described in the Investment Advisers Act of 1940;

2. A bank, as described in such act; or

3. An insurance company qualified to perform asset management services under the laws of more than one state.

(D) Gains and Losses of the Trust Fund. In the event the Account of a Participant is held by an Investment Manager, the "gains and losses of the fund" with respect to that Account shall be considered to be the investment returns directly attributable to the Investment Options selected by the Participant (or the Investment Manager) in accordance with 16 CSR 50-10.040(2).

(4) Plan Expenses. All expenses of Plan administration, including (by way of illustration and not limitation) those incurred by the Board and the fees of the Trustee shall be paid from the assets of the Plan.

(5) Claims for Benefits. A claim for a benefit under this Plan shall be reviewed by the Board (or by its designee) in accordance with the procedure outlined in 16 CSR 50-1.015. An appeal of an adverse claim decision shall be processed in accordance with 16 CSR 50-1.020.

AUTHORITY: sections 50.1010, RSMo 1994 and 50.1240, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.090 Miscellaneous Defined Contribution Plan Rules

PURPOSE: The purpose of this rule sets forth miscellaneous provisions relating to the defined contribution plan.

(1) Limitation of Rights: Employment Relationship. Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, nor any action taken thereunder nor any omission to act, shall be construed as giving a Participant or other person any legal or equitable right against an Employer except as provided in the Plan. In no event shall the terms of employment of any employee be modified or in any way be affected by the Plan.

(2) Benefits under this Plan may not be assigned, sold, transferred, or encumbered, and any attempt to do so shall be void. A Participant's or Beneficiary's Account shall not be subject to debts or liabilities of any kind and shall not be subject to attachment, garnishment or other legal process.

(3) Representations. The Board does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will result from participation in this Plan. A Participant should consult with professional tax advisors to determine the tax consequences of his or her participation. Furthermore, the Board does not represent or guarantee successful investment of the Participant's Account and shall not be required to restore any loss which may result from such investment or lack of investment.

(4) Severability. If a court of competent jurisdiction holds any provision of this Chapter 10 to be invalid or unenforceable, the remaining provisions of the Chapter shall continue to be fully effective.

(5) The provisions of this Chapter 10 shall be construed in accordance with sections 401(a) and 501(a) of the Code, all other applicable Federal Law, and, to the extent such other statutes do not apply, the laws of the State of Missouri.

(6) The Plan described in this Chapter 10 is intended to be a profit-sharing plan.

AUTHORITY: sections 50.1010, RSMo 1994 and 50.1210–50.1260, RSMo 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.010 Establishment and Purpose of Plan

PURPOSE: This rule establishes the 457 Plan authorized by section 50.1300, RSMo, and describes its intent.

(1) In accordance with the authority granted to the County Employees' Retirement Board by section 50.1300, RSMo, the

Board hereby adopts the County Employees' Deferred Compensation Plan (the "Plan"). The Plan shall be maintained for the exclusive benefit of covered employees and is intended to comply with the eligible deferred compensation plan requirements under section 457 of the *Internal Revenue Code* of 1986, as amended, and regulations thereunder, and other applicable law. Assets and income of the Plan shall be held in trust for the exclusive benefit of the Plan's Participants and their Beneficiaries.

(2) The purpose of this Plan is to enable employees who become covered under the Plan to enhance their retirement security by permitting them to enter into agreements with their Employer to defer a portion of their Compensation and receive benefits at retirement, Separation from Service, death, or in the event of financial hardship due to Unforeseeable Emergencies.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.020 Definitions

PURPOSE: This rule provides the definitions needed to describe the terms of the 457 Plan authorized by section 50.1300, RSMo.

(1) Whenever used in this Chapter 20, the following terms shall have the meanings as set forth in this rule 16 CSR 50-20.020 unless a different meaning is clearly required by the context:

(A) Account means the individual bookkeeping account maintained for each Participant that represents his or her total proportionate interest in the Trust Fund. A Participant is fully vested in his or her Account at all times.

(B) Beneficiary means the person, persons, or legal entity entitled to receive benefits under this Plan which become payable in the event of the Participant's death.

(C) Board means the Board of Directors of the County Employees' Retirement Fund.

(D) Code means the *Internal Revenue Code* of 1986, as amended, and includes any regulations thereunder.

(E) Compensation means all salary and other compensation paid to a county employee for personal services rendered as a county employee, which is currently includible in the Employee's gross income for the taxable year for federal income tax purposes (W-2 earnings); such term does not include any amount excludible from gross income under this Plan or any other plan described in section 457(b) of the Code, any amount excludible from gross income under section 403(b) of the Code, or any other amount excludible from gross income for federal income tax purposes.

(F) Deferral means the amount of Compensation that a Participant elects to defer pursuant to a properly executed Deferral Agreement.

(G) Deferral Agreement means the agreement between a Participant and an Employer to defer receipt of Compensation not yet earned.

(H) Employee means any person, an elective or appointive county official or employee regularly employed by a county who is under the direct control and supervision of a county or an elected or appointed county official and who is subject to continued employment, promotion, salary review or termination by a county or an elected or appointed county official and who is compensated directly from county funds and whose position requires the actual performance of duties during not less than 1,000 hours per calendar year, except county prosecuting attorneys covered under sections 56.800–56.840, RSMo., circuit clerks and deputy circuit clerks covered under the Missouri State Retirement System and county sheriffs covered under sections 57.949–57.997, RSMo, and employees who received some compensation from the county but who are subject to hiring, supervision, promotion or termination by an entity other than the county such as an extension council or the circuit court.

(I) Employer means each county in the state, except any city not within a county and counties of the first classification with a charter form of government.

(J) Investment Option means one of the options established by the Board, in which amounts contributed to a Participant's Account may be invested at the Participant's discretion. There is no limit on the type of investment that the Board may designate as an option.

(K) Participant means an Employee or former Employee who has been enrolled in this Plan and who retains his or her Account under the Plan.

(L) Plan means the County Employees' Deferred Compensation Plan as set forth in this Chapter 16 CSR 50-20 and as it may be amended from time to time.

(M) Plan Year means the calendar year.

(N) Prior Plan means any deferred compensation plan that is an eligible deferred compensation plan (as defined in section 457 of the Code), which has been consolidated with this Plan as permitted by section 50.1300, RSMo.

(O) Separation from Service means the severance of a Participant's employment with an Employer for any reason, including retirement or disability.

(P) Transfer Amounts means amounts transferred to a Participant's Account in accordance with 16 CSR 50-20.030(6) or 16 CSR 50-20.100.

(Q) Trust Agreement means an agreement entered into by the Board and one or more Trustees to govern the Trust Fund. The Trust Agreement shall be established pursuant to a written agreement that constitutes a valid trust under the law of the state of Missouri.

(R) Trust Fund means the sum of the contributions made to the Plan and held by the Trustee or Trustees in a trust, increased by any profits or income thereon and decreased by any losses or expenses incurred in the administration of the Trust Fund and any payments made therefrom.

(S) Trustee means the entity, or individual, or committee that is responsible for holding and managing the Trust Fund.

(T) Unforeseeable Emergency means a severe financial hardship to the Participant resulting from a sudden and unexpected illness or accident of the Participant or of a dependent of the Participant, loss of the Participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant. The need to send a Participant's child to college or the desire to purchase a home shall not be an Unforeseeable Emergency. Payment may not be made in the event that such hardship is or may be relieved—

1. Through reimbursement or compensation by insurance or otherwise;

2. By liquidation of the Participant's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship; or

3. By cessation of Deferrals under the Plan.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.030 Participation in the Plan

PURPOSE: This rule provides the 457 Plan's eligibility requirements and the rules governing deferral elections to the 457 Plan.

(1) Eligibility. Effective January 1, 2000, each Employee who is employed by an Employer and is a member of the pension fund described in 50.100–50.1200, RSMo may become a Participant in this Plan. Participation shall commence when enrollment becomes effective pursuant to section (2).

(2) Enrollment. Employees may enroll in the Plan by completing a Deferral Agreement and submitting it to their Employer. The Employer shall be responsible for submitting the Deferral Agreement to the Board (or its designee) and ensuring that contributions are forwarded to the Trustee selected by the Board. Enrollment shall be effective on or after the first day of the month following the date the Deferral Agreement is properly completed by the Employee and received by the Employer.

(3) Modifications to Amount Deferred. A Participant may change Deferrals with respect to Compensation not yet earned by submitting a new properly executed Deferral Agreement to his or her Employer. The change shall take effect as soon as administratively practicable but not earlier than the first day of the pay period beginning in the calendar year quarter following receipt of the properly completed Deferral Agreement by the Employer.

(4) Revocation of Deferral. Any Participant may revoke his or her election to have Compensation deferred by notifying the Employer in writing. This revocation shall take effect as soon as administratively practicable, but no earlier than the first pay period following receipt of written notice of such revocation by the Employer. A Participant who revoked his or her Deferral may not enter into a new Deferral Agreement that is effective prior to the first day of the calendar year quarter following the revocation. Deferrals shall be revoked automatically for any month in which there are insufficient monies to make the entire Deferral agreed upon, and automatically reinstated in the next pay period that Compensation is sufficient to make the agreed upon Deferral.

(5) Transmittal of Contributions. Notwithstanding any contrary provision of the Plan, in accordance with section 457(g) of the Code, all Deferrals, all property and rights purchased with such Deferrals, and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and Beneficiaries under the Plan. All amounts of compensation deferred under the Plan shall be transferred to the Trust Fund within a period that is not longer than is reasonable for the proper administration of the Accounts of Participants.

(6) Acceptance of Transfers. A Participant who participated in any eligible deferred compensation plan described in section 457(b) of the Code may transfer his or her account in such a plan to his or her Account in this Plan.

(7) Minimum Deferral. The minimum deferral permitted under the Plan shall be $10 per month.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.050 Limitations on Deferral

PURPOSE: This rule describes the limitations on deferral elections to the 457 Plan imposed by the ***Internal Revenue Code****.*

(1) General Limitation. The maximum Deferral amount for any Participant in any taxable year shall not exceed the lesser of—

(A) $7,500 (as adjusted for the calendar year to reflect increases in the cost of living in accordance with sections 457(e)(15) and 415(d) of the Code); or

(B) 33 1/3% of the Participant's Compensation for the taxable year.

(2) Coordination with Other Plans. If a Participant participates in more than one Code section 457 Plan, the maximum deferral under all such plans shall not exceed $7,500, as adjusted. If a Participant participates in a Plan described in sections 401(k), 403(b), 408(k), 408(p) or 501(c)(18) of the Code, amounts deferred by the Participant to such plan or plans and excluded from his or her gross income in any taxable year under such plan(s) shall reduce the general limitation amount.

(3) The provisions of this rule 16 CSR 50-20.050 shall be administered in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.060 Accounts of Participants

PURPOSE: This rule describes the accounting for a Participant's interest in the 457 Plan, and the investment of a Participant's Account.

(1) Accounts. The Board shall establish and maintain Accounts on behalf of each Participant. Such Participant Accounts shall be valued at fair market value as of each business day. Each Participant's Account balance shall reflect his or her aggregate Deferral Amounts, Transfer Amounts and any earnings (or losses) attributable to such amounts, and shall be reduced by administrative, investment, and other fees and expenses attributable to his or her Account that are necessary for the administration of the Participant's Account.

(2) Investments. A Participant may request that his or her Account (and his or her Deferrals) be allocated among the Investment Options made available by the Board. The initial allocation request shall be made at the time of enrollment. Once made, an investment allocation request shall remain in effect until changed by the Participant. A Participant may change his or her investment allocation by submitting a request to the Board (or its designee) in such form as may be permitted by the Board (or its designee). Such changes shall become effective as soon as administratively feasible after the Board (or its designee) receives such request. If the Participant fails to make an investment allocation request at the time of his or her enrollment, the Participant's Account shall be invested in default Investment Options selected by the Board, until such time as the Participant submits an investment allocation request.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.070 Distribution of Accounts

PURPOSE: This rule describes the timing and form of benefit payments from the 457 Plan.

(1) Eligibility for Payment. Distribution to a Participant of his or her Account shall be made no earlier than—

(A) Separation from Service,

(B) The calendar year in which the Participant attains age 70 1/2;

(C) The date the Board approves a distribution to the Participant on account of an Unforeseeable Emergency; or

(D) The date the Participant requests a voluntary in-service *de minimis* distribution from the Plan.

(2) Distribution Due to Unforeseeable Emergency. A Participant may request a distribution due to Unforeseeable Emergency by submitting a request to the Board (or its designee). The Board (or its designee) shall have the authority to require such evidence as it deems necessary to determine whether a distribution is warranted. If an application for a hardship distribution due to an Unforeseeable Emergency is approved, the distribution is limited to an amount sufficient to meet the Unforeseeable Emergency. The allowed distribution shall be paid in a single sum to the Participant as soon as possible after approval of such distribution.

(3) Voluntary In-Service *De Minimis* Distribution. A Participant who is an active Employee shall receive a distribution of his or her Account if the following requirements are met:

(A) The Participant's Account balance does not exceed $5,000 (or the dollar limit under section 411(a)(11) of the Code, if greater);

(B) The Participant has not previously received an in-service distribution of his or her Account balance;

(C) The Participant has not made Deferrals during the two-year period ending on the date of the in-service distribution; and

(D) The Participant elects to receive the distribution.

(4) Commencement of Distributions.

(A) General Rule. Distribution of a Participant's Account under the Plan shall be made in the form elected by the Participant, commencing as soon as administratively feasible after the calendar year quarter in which the Participant's Separation from Service occurs, unless the Participant makes a one-time irrevocable written election to defer this payment to a specified later date, and the election is made at least 30 days before the date benefits commence. A Participant may elect that the single-sum distribution of benefits be made on any determinable future date as long as distributions commence no later than 60 days following the close of the calendar year in which the Participant attains age 70 1/2, or retires, if later.

(B) If a Participant has elected a deferred commencement date, then the Participant may make an additional election to further defer the commencement of distributions, provided that the election is filed before distributions actually begin and the later commencement date meets the required distribution commencement

date provisions of sections 401(a)(9) and 457(d)(2) of the Code. A Participant may not make more than one such additional deferral election.

(C) Notwithstanding subsections (4)(A) and (4)(B), if the value of a Participant's Account is $5,000 or less, then his or her benefit under the Plan shall be distributed to him in a single sum as soon as administratively feasible following his or her Separation from Service.

(D) Employees who terminate employment and then resume employment with an Employer within 30 days will not forfeit their prior service and will not be required to receive a refund of their payroll contributions.

(5) Payment Options. A Participant's or Beneficiary's election of a payment option must be made at least 30 days prior to the date that the payment of benefits is to commence. If a timely election of a payment option is not made, benefits shall be paid in a single lump sum, as soon as administratively feasible following the Participant's Separation from Service. Once payments have commenced, the form of payment option may not be changed.

(6) Subject to applicable law and the other provisions of this Plan, distributions may be made in accordance with one of the following payment options:

(A) A single lump-sum payment;

(B) Substantially nonincreasing installment payments for a period of years (payable on a monthly, quarterly, semi-annual, or annual basis) which extends no longer than the life expectancy of the Participant;

(C) Partial lump-sum payment of a designated amount, with the balance payable in substantially nonincreasing installment payments for a period of years, as described in subsection (6)(B), as long as such installment payments begin prior to the end of the calendar year following the year the partial lump-sum payment was made; and

(D) Annuity payments (payable on a monthly, quarterly, or annual basis) for the lifetime of the Participant or for the lifetimes of the Participant and Beneficiary if permitted under sections 401(a)(9) or 459(d) of the Code. If the Participant fails to make a timely election of one of the payment options described above, payment shall be made in a single sum as soon as feasible following the Participant's Separation from Service.

(7) Plan-to-Plan Transfers. Notwithstanding any other provisions of the Plan, all or any part of the Account of a former Employee who is a Participant in the Plan shall, instead of being distributed in accordance with section (4), be transferred to another eligible deferred compensation plan in which the former Employee has become a participant, if—

(A) The plan receiving such amounts provides for acceptance of such transfers; and

(B) The Participant gives written direction to the Board (or its designee) to make such transfer.

(8) This Plan also shall accept the transfer of amounts previously deferred by a Participant under another eligible deferred compensation plan described in section 457 of the Code.

(9) All distributions under this rule 16 CSR 50-20.070 shall be made in accordance with the requirements of Code sections 457(d)(2) and 401(a)(9).

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.080 Death Benefits

PURPOSE: This rule describes the benefits available to a Participant's Beneficiary upon his or her death and the procedure for designating a Beneficiary.

(1) Death Benefit. As soon as administratively feasible following the close of the calendar year quarter in which the death of a Participant occurs, the Participant's Beneficiary shall receive a single-sum distribution of the Participant's entire Account balance.

(2) Beneficiary Designation. A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time, in writing. Such designation, amendment or revocation shall be effective upon receipt by the Board.

(3) Failure to Designate a Beneficiary. If no designated Beneficiary survives the Participant, or no Beneficiary has been designated by the Participant, and benefits are payable following the Participant's death, the Board shall direct that payment of benefits be made to the person or persons in the first of the following classes of successive preference Beneficiaries:

(A) The spouse of the Participant; and

(B) The Participant's estate.

(4) All death benefits paid in accordance with this rule 16 CSR 50-20.080 shall be made in accordance with the requirements of Code sections 457(d)(2) and 401(a)(9).

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.090 Plan Administration

PURPOSE: The purpose of this rule is to outline the administrative procedures and responsibilities for the 457 Plan.

(1) Plan Administration. The management of the Plan shall be vested in the Board according to the provisions in sections 50.1000 to 50.1260, RSMo, as such Board is established in section 50.1030, RSMo. Any action taken on any matter within the discretion of the Board shall be final, conclusive, and binding on all parties. In order to discharge its duties hereunder, the Board shall have the power and authority to adopt, interpret, alter, amend or revoke rules and regulations necessary to administer the Plan, to delegate ministerial duties and to employ such outside professionals as may be required for prudent administration of the Plan. The Board shall also have authority to enter into agreements as may be necessary to implement this Plan. Any individual member of the Board who is otherwise eligible may participate in the Plan but shall not be entitled to make decisions solely with respect to his or her own participation and benefits under the Plan.

(2) Amendment of Plan. The Board shall have the right to amend the Plan, at any time and from time to time, in whole or in part.

(3) To implement the Plan, the Board shall enter into a Trust Agreement, so that Plan funds shall be segregated from an Employer's own assets and held in trust by the Trustee for the exclusive benefit of Participants and their Beneficiaries. Any or all benefits that may accrue to any Participant or Beneficiary under this Plan shall be subject to the terms and conditions of said Trust Agreement. Except as provided in section (4), it shall be impossible under any circumstances at any time for any part of the corpus or income of the Trust Fund to be used for, or diverted to purposes other than the exclusive benefit of Participants and their Beneficiaries.

(4) Plan Expenses. All expenses of Plan administration, including (by way of illustration and not limitation) those incurred by the Board and the fees of the Trustee shall be paid from the Trust Fund.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.100 Merger of Prior Plan

PURPOSE: The rule describes how a county's prior 457 Plan may be merged into this 457 Plan.

If an Employer has sponsored any other plan described under section 457(b) of the Code, the Employer may elect to consolidate such Prior Plan with this Plan, with the consent of the Board. In this event, the account of each of the Employer's Employees in the Prior Plan shall be transferred to the Trust Fund and made a part of each Employee's Account in the Plan. An Employer is not required to consolidate a Prior Plan with this Plan.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.110 Miscellaneous 457 Plan Rules

PURPOSE: The purpose of this rule is to set forth miscellaneous provisions relating to the 457 Plan.

(1) Limitation of Rights: Employment Relationship. Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving a Participant or any other person any legal or equitable right against an Employer except as provided in the Plan. In no event shall the terms of employment of any Employee be modified or in any way be affected by the Plan.

(2) Benefits under this Plan may not be assigned, sold, transferred, or encumbered, and any attempt to do so shall be void. A Participant's or Beneficiary's Account shall not be subject to debts or liabilities of any kind and shall not be subject to attachment, garnishment or other legal process.

(3) Representations. The Board does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will result from participation in this Plan. A Participant should consult with professional tax advisors to determine the tax consequences of his or her participation. Furthermore, the Board does not represent or guarantee successful investment of Deferrals and shall not be required to restore any loss which may result from such investment or lack of investment.

(4) Severability. If a court of competent jurisdiction holds any provision of this Chapter 16 CSR 50-20 to be invalid or unenforceable, the remaining provisions of the Chapter shall continue to be fully effective.

(5) The provisions of this Chapter 16 CSR 50-20 shall be construed in accordance with section 457 of the Code, all other applicable federal law, and, to the extent such other statutes do not apply, the laws of the State of Missouri.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the County Employees' Retirement Fund, P.O. Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

PROPOSED AMENDMENT

19 CSR 20-20.010 Definitions Relating to Communicable, Environmental and Occupational Diseases. The department is amending sections (5), (7), (12), (30) and (31), deleting sections (3), (14), (23) and (34), adding new sections (2), (6), (23), (25), (34), (36) and (37), and renumbering affected sections.

PURPOSE: This amendment updates definitions pertaining to communicable, environmental, and occupational diseases and deletes the section that would have ended this rule on June 30, 2005.

(2) Adult respiratory distress syndrome (ARDS) is a syndrome with the following simultaneous characteristics:

(A) Hypoxemia due to intrapulmonary shunting of blood;

(B) Increased lung stiffness; and

(C) Chest x-ray evidencing diffuse infiltration.

[(2)] **(3)** Board is the State Board of Health.

[(3) Carbon monoxide poisoning is defined as a carboxyhemoglobin level greater than fifteen percent (>15%).]

(5) Case, as distinct from a carrier, is a person in whose tissues the etiologic*[al]* agent of a communicable disease is *[lodged]* **present** and which usually produces signs or symptoms of disease. Evidence of the presence of a communicable disease also may be revealed by routine laboratory findings.

(6) Cluster is a group of individuals who manifest the same or similar signs and symptoms of disease.

[(6)] **(7)** Communicable disease is an illness due to an infectious agent or its toxic products and transmitted, directly or indirectly, to a susceptible host from an infected person, animal or arthropod, or through the agency of an intermediate host or a vector, or through the inanimate environment.

[(7)] **(8)** Contact is a person or animal that has been in association with an infected person or animal and through that association has had the opportunity *[of acquiring]* **to acquire** the infection.

[(8)] **(9)** Designated representative is any person or group of persons appointed by the director of the Department of Health to act on behalf of the director or the State Board of Health.

[(9)] **(10)** Director is the state Department of Health director.

[(10)] **(11)** Disinfection is the killing of pathogenic agents outside the body by chemical or physical means, directly applied.

(A) Concurrent disinfection is disinfection immediately after the discharge of infectious material from the body of an infected person or after the soiling of articles with the infectious discharges.

(B) Terminal disinfection is the process of rendering the personal clothing and immediate physical environment of a patient free from the possibility of conveying the infection to others after the patient has left the premises or after the patient has ceased to be a source of infection or after isolation practices have been discontinued.

[(11)] **(12)** Environmental and occupational diseases are illnesses or adverse human health effects resulting from exposure to a chemical, radiological or physical agent.

[(12)] **(13)** Exposure is defined as *[the]* **contact with,** absorption, ingestion or inhalation of chemical, **biologic,** radiologic*[al]***,** or **other** physical agents by a human that results in biochemical, physiological or histological changes.

[(13)] **(14)** Food is any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use in whole or in part for human consumption.

[(14) Health department is a legally constituted body provided by city, county or group of counties to protect the public health of the city, county or group of counties.]

(18) Hypothermia means a physician-diagnosed case of cold injury associated with a fall of body temperature to less than ninety-four and one-tenth degrees Fahrenheit (94.1°F) and resulting from *[unintentional]* exposure to a cold environment.

[(23) Lead exposure means the laboratory determination of a human whole blood lead level greater than or equal to ten micrograms per deciliter (≥10 µg/dl) in persons under age eighteen (<18) and greater than or equal to twenty-five micrograms per deciliter (≥25 µg/dl) in persons age eighteen (18) or older.]

(23) Laboratory means a facility for the biological, microbiological, serological, chemical, immuno-hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of a human. These examinations also include procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body. Facilities only collecting or preparing specimens (or both) or only serving as a mailing service and not performing testing are not considered laboratories. Laboratory includes hand-held testing equipment. All testing laboratories must be certified under the Clinical Laboratories Improvement Amendment of 1988 (CLIA—42 CFR part 493).

(25) Local public health agency is a legally constituted body provided by a city, county or group of counties to protect the public health of the city, county or group of counties.

[(25)] **(26)** Outbreak or epidemic is the occurrence in a community or region of an illness(es) similar in nature, clearly in excess of normal expectancy and derived from a common or a propagated source.

[(26)] **(27)** Period of communicability is the period of time during which an etiologic agent may be transferred, directly or indirectly, from an infected person to another person or from an infected animal to a person.

[(27)] **(28)** Person is any individual, partnership, corporation, association, institution, city, county, other political subdivision authority, state agency or institution or federal agency or institution.

[(28)] **(29)** Pesticide poisoning means human disturbance of function, damage to structure or illness which results from the inhalation, absorption or ingestion of any pesticide.

[(29)] **(30)** Poisoning means injury, illness or death caused by chemical means.

[(30)] **(31)** Quarantine is a period of detention for persons or animals that may have been exposed to a reportable disease. The period of time will not be longer than the longest period of communicability of the disease. The purpose of quarantine is to prevent effective contact with the general population.

(A) Complete quarantine is a limitation of freedom of movement of persons or animals exposed to a reportable disease, for a period of time not longer than the longest period of communicability of the disease, in order to prevent effective contact with the general population.

(B) Modified quarantine is a selective, partial limitation of freedom of movement of persons or *[domestic]* animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the closure of schools and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease from engaging in a particular occupation.

[(31)] **(32)** Reportable disease is any disease or condition for which an official report is required. Any unusual *[group]* expression of illness **in a group of individuals** which may be of public health concern is reportable and shall be reported to the local health department, local health authority or the Department of Health by the quickest means.

[(32)] **(33)** Small quantity generator of infectious waste is any person generating one hundred kilograms (100 kg) or less of infectious waste per month and as regulated in 10 CSR 80.

(34) Terrorist event is the unlawful use of force or violence committed by a group or individual against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Terrorist attacks are classified as chemical, biological, or radiological.

(A) Chemical means any weapon that is designed or intended to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.

(B) Biological means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product.

(C) Radiological means any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

[(33)] **(35)** Toxic substance is any substance, including any raw materials, intermediate products, catalysts, final products or by-products of any manufacturing operation conducted in a commercial establishment that has the capacity through its physical, chemical or biological properties to pose a substantial risk of death or impairment, either immediately or later, to the normal functions of humans, aquatic organisms or any other animal.

[(34) This rule will expire on June 30, 2005.]

(36) Unusual diseases—Examples include, but are not limited to, the following:

(A) Diseases uncommon to a geographic area, age group, or anatomic site;

(B) Cases of violent illness resulting in respiratory failure;

(C) Absence of a competent natural vector for a disease; or

(D) Occurrence of hemorrhagic illness.

(37) Unusual manifestation of illness—Examples include, but are not limited to, the following:

(A) Multiple persons presenting with a similar clinical syndrome at a steady or increasing rate;

(B) Large numbers of rapidly fatal cases, with or without recognizable signs and symptoms;

(C) Two or more persons, without a previous medical history, presenting with convulsions;

(D) Persons presenting with grayish colored tissue damage; or

(E) Adults under the age of fifty years, without previous medical history, presenting with adult respiratory distress syndrome (ARDS).

*AUTHORITY: sections 192.006, **RSMo Supp. 1999**, 192.020 and 260.203, RSMo 1994. This rule was previously filed as 13 CSR 50-101.010. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost public entities more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

PROPOSED AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases. The Department of Health proposes to amend sections (1) through (8) and to delete section (10).

PURPOSE: This amendment: updates material incorporated into this rule by reference; modifies the type of information to be sent to local health authorities when a reportable disease or condition is confirmed or suspected; provides the requirement for local health authorities to treat patient information in a confidential manner; modifies the list of diseases and conditions that are reportable to the Missouri Department of Health as well as time frames for reporting.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this

rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Category I diseases or findings shall be reported to the local health authority or to the Department of Health within twenty-four (24) hours of first knowledge ***or suspicion*** by telephone, facsimile or other rapid communication. Category I diseases or findings are—

(A) Diseases, findings or agents that occur naturally or from accidental exposure:

[Acute chemical poisoning as defined in 56 FR 52166–52175
Anthrax
Botulism
Brucellosis
Cholera]
Diphtheria
[Group A Streptococcal disease, invasive]
[Haemophilus influenzae] ***Haemophilus influenzae*****, invasive** disease*[, invasive, including meningitis]*
Hantavirus **pulmonary syndrome**
[Hemolytic Uremic Syndrome, post-diarrheal]
Hepatitis A
Hyperthermia
Hypothermia
Influenza, suspected—nosocomial outbreaks and public or private school closures
Lead (blood) level greater than or equal to forty-five micrograms per deciliter (≥45 μg/dl) in any person equal to or less than seventy-two (≤72) months of age
Measles **(rubeola)**
Meningococcal disease, invasive*[, including meningitis*
Methemoglobinemia]
Outbreaks or epidemics of any illness, disease or condition that may be of public health concern
Pertussis
[Pesticide poisoning
Plague]
Poliomyelitis
[Psittacosis]
Rabies**, animal or human**
Rubella**, including congenital syndrome**
Staphylococcus aureus**, vancomycin resistant**
Syphilis**, including congenital syphilis**
Tuberculosis disease
Typhoid fever

(B) Diseases, findings or agents that occur naturally or that might result from a terrorist attack involving biological, radiological, or chemical weapons:

Adult respiratory distress syndrome (ARDS) in patients under 50 years of age (without a contributing medical history)
Anthrax
Botulism
Brucellosis
Cholera
Encephalitis, Venezuelan equine
Glanders
Hemorrhagic fever (e.g., dengue, yellow fever)
Plague
Q fever
Ricin
Smallpox (variola)
Staphylococcal enterotoxin B
T-2 mycotoxins
Tularemia

(2) Category II diseases or findings shall be reported to the local health authority or the Department of Health within three (3) days of first knowledge ***or suspicion***. Category II diseases or findings are—

Acquired immunodeficiency syndrome (AIDS)
Arsenic poisoning
Blastomycosis
[Cadmium poisoning]
Campylobacter infections
Carbon monoxide poisoning
CD4+ T cell count
Chancroid
Chemical poisoning, acute, as defined in the most current ATSDR CERCLA Priority List of Hazardous Substances; if terrorism is suspected, refer to section (1)(B)
[Chlamydia trachomatis] ***Chlamydia trachomatis*****,** infections
Creutzfeldt-Jakob disease
Cryptosporidiosis
Cyclosporidiosis
[E. coli O157:H7]
Ehrlichiosis**, human granulocytic or monocytic**
Encephalitis, arthropod-borne **[except VEE, see section (1)(B)]**
Escherichia coli **O157:H7**
Giardiasis
Gonorrhea
Hansen disease (leprosy)
Heavy metal poisoning including, but not limited to, cadmium and mercury
Hemolytic uremic syndrome (HUS), post-diarrheal
Hepatitis B**,** *[(]*acute*[)]*
Hepatitis B *[S/*surface *[A/*antigen (prenatal HBsAg) **in** *[positive screening of]* pregnant women
Hepatitis C
Hepatitis non-A, non-B**, non-C**
Human immunodeficiency virus (HIV)-exposed newborn infant (i.e., newborn infant whose mother is infected with HIV)
Human immunodeficiency virus (HIV) infection, *[confirmed]* **as indicated by HIV antibody testing (reactive screening test followed by a positive confirmatory test), HIV antigen testing (reactive screening test followed by a positive confirmatory test), detection of HIV nucleic acid (RNA or DNA), HIV viral culture, or other testing that indicates HIV infection**
Human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two years of age whose mothers are infected with HIV
Human immunodeficiency virus (HIV) viral load measurement (including nondetectable results)
Influenza**, laboratory-confirmed**
[Kawasaki disease]
Lead *[exposure greater than or equal to ten micrograms per deciliter (≥10 μg/dl) in persons under age eighteen (<18) or greater than or equal to twenty-five micrograms per deciliter (≥25 μg/dl) in persons age eighteen or greater (≥18)]* **(blood) level less than forty-five micrograms per deciliter (<45 μg/dl) in any person equal to or less than seventy-two (≤72) months of age and any lead (blood) level in persons older than seventy-two (>72) months of age**
Legionellosis
Leptospirosis
[Listeria monocytogenes] ***Listeria monocytogenes***
Lyme disease
Malaria
[Meningitis, aseptic]

[Mercury poisoning]
Methemoglobinemia
Mumps
Mycobacterial disease other than tuberculosis (MOTT)
Nosocomial outbreaks
Occupational lung diseases including silicosis, asbestosis, byssinosis, farmer's lung and toxic organic dust syndrome
[Pertussis]
Pesticide poisoning
Psittacosis
Respiratory diseases triggered by environmental *[factors]* **contaminants** including environmentally or occupationally induced asthma and bronchitis
[Reye syndrome]
Rocky Mountain spotted fever
[Salmonella infections] **Salmonellosis**
[Shigella infections] **Shigellosis**
Streptococcal disease, invasive, Group A
***Streptococcus pneumoniae*, drug resistant invasive disease**
Tetanus
[T-Helper (CD4+) lymphocyte count on any person with HIV infection]
Toxic shock syndrome**, staphylococcal or streptococcal**
Trichinosis
Tuberculosis infection
[Tularemia]
Varicella deaths
[Yersinia enterocolitica] ***Yersinia enterocolitica***

(3) The occurrence of *[any]* **an** outbreak or epidemic of any illness**,** *[or]* disease **or condition** which may be of public health concern, including any illness in a food handler that is potentially transmissible through food*[,]***. This also includes public health threats that could result from terrorist activities such as clusters of unusual diseases or manifestations of illness and clusters of unexplained deaths. Such incidents** shall be reported to the local health authority or the Department of Health by telephone, facsimile, or other rapid communication within twenty-four (24) hours of first knowledge or suspicion.

(4) A physician, physician's assistant, nurse, hospital, clinic, or other private or public institution providing **diagnostic testing, screening or** care to any person *[who is suffering from]* **with** any disease, condition or finding listed in sections (1)–(3) of this rule, or who is suspected of having any of *[those]* **these** diseases, conditions or findings, shall make a case report to the local health authority or the Department of Health**,** or cause a case report to be made by their designee**,** within the specified time.

(A) A physician, physician's assistant, or nurse providing care **in an institution** to any patient*[,]* with any disease, condition or finding listed in sections (1)–(3) of this rule*[, in an institution]* may authorize, in writing, the administrator or designee of the institution to submit case reports on patients attended by the physician, physician's assistant, or nurse at the institution. But under no other circumstances shall the physician, physician's assistant, or nurse be relieved of this reporting responsibility.

(5) A case report as required in section (4) of this rule shall include the patient's name, **home** address **with zip code, date of birth,** age, sex, race, **home** phone number, name of the disease, condition or finding diagnosed or suspected, the date of onset of the illness, name and address of the treating facility (if any) and the attending physician, any appropriate laboratory results, name and address of the reporter, **treatment information for sexually transmitted diseases,** and the date of report.

(6) Any person in charge of a public or private school, summer camp or *[day]* **child or adult** care facility shall report to the local health authority or the Department of Health the presence or suspected presence of any diseases or findings listed in sections (1)–(3) of this rule according to the specified time frames.

(7) All local health authorities shall forward to the Department of Health reports of all diseases or findings listed in sections (1)–(3) of this rule. All reports shall be forwarded within twenty-four (24) hours after being received according to procedures established by the Department of Health director. **Reports will be forwarded as expeditiously as possible if a terrorist event is suspected or confirmed.** The local health authority shall retain from the original report any information necessary to carry out the required duties in 19 CSR 20-20.040(2) and (3).

(8) Information from patient medical records received by **local public health agencies or** the Department of Health **in compliance with this rule** is to be considered confidential records and not public records.

[(10) This rule will expire on June 30, 2000.]

(10) The following material is incorporated into this rule by reference:

(A) Agency for Toxic Substances and Disease Registery (ATSDR) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Priority List of Hazardous Substances (http://www.atsdr.cdc.gov:8080/97list.html)

AUTHORITY: sections 192.006, RSMo ***Supp. 1999*** *and 192.020,* ***192.139,*** *[201.040]* ***210.040*** *and 210.050, RSMo 1994. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the* ***Code of State Regulations****. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment is estimated to save the Missouri State Public Health Laboratory $8,210, county/district health agencies $5,052, and public schools $1,895 for a total savings of $15,157 annually. A fiscal note containing a detailed estimate of cost savings has been filed with the secretary of state.

PRIVATE COST: This proposed amendment is estimated to cost hospitals $377, save hospital laboratories $40, save private laboratories $37, cost private providers $115, save private schools $11, and save unknown agencies $31.00 for a total cost of $373 annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER 19 CSR 20-20.020

Title: Title 19 -- Department of Health

Division: Division of Environmental Health and Communicable Disease Prevention

Chapter: Chapter 20 – Communicable Diseases

Type of Rule Making: Amendment

Rule Number and Name: 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri State Public Health Laboratory	Annual Cost: [$8,210]
County/district health agencies	[5,052]
Public schools	[1,895]
	Total = [$15,157]

III. WORKSHEET

See attached worksheet.

IV. ASSUMPTIONS

See attached worksheet.

Fiscal Note – Worksheet
Public Entity Cost

Rule 19 CSR 20-20.020, Reporting Communicable, Environmental and Occupational Diseases

PURPOSE: This rule designates the diseases, disabilities, conditions, and findings that must be reported to the Department of Health. It also establishes when they must be reported and who must report.

Prepared January 31, 2000 by the Department of Health, Division of Environmental Health and Communicable Disease Control, Office of Surveillance.

Affected Entities: Reports of communicable, environmental, and occupational diseases and conditions come from the following public entities. The percents listed reflect the percent of these reports received by MDOH that come from each of these entities:

Missouri State Public Health Lab, district labs, public hospital labs	13%
County/district health agencies	8%
Public schools	3%
Total	*24%*

In addition, the Department of Health conducts surveillance activities for reportable diseases and conditions.

CALCULATIONS:

Section A. Changes in costs resulting from addition and deletion of diseases/conditions to the reporting rule:

Diseases/Conditions *Added* to the Reporting Rule by This Amendment
(* Primarily associated with potential terrorist event)

Disease/Condition	No. Cases 5-Year Annual Mean (1995-1999)
Vancomycin Resistant *S. aureus*	0
Acute respiratory distress syndrome (ARDS)*	0
Venezuelan equine encephalitis*	0
Glanders*	0
Dengue*	0
Yellow fever*	0
Q fever*	0
Ricin*	0
Smallpox*	0
Staphylococcal enterotoxin B*	0
T-2 mycotoxins*	0
Terrorism, clusters of patients*	0
Blastomycosis	6.2
CD4+ T cell count, all	No effect[a]
Creutzfeldt-Jakob disease	6.8[b]
Cyclosporidiosis	0
Hansen disease	0

HIV-exposed newborn	37
S. pneumoniae, drug resistant invasive disease	16[c]
Varicella deaths	0.2
Heavy metal poisoning other than Cd, Pb, Hg	0.2
X_1 = Total = Mean annual *increase* in conditions reported =	66.4

Notes:

a. CD4+ T cell count, all - The current reporting rule requires the CD4+ count to be reported for all HIV positive individuals. To comply with this, laboratories are already submitting all CD4+ counts to the Office of Surveillance (OoS), since this is easier than "sorting out" these counts for HIV positive persons. OoS personnel are already entering all CD4+ counts into databases. Therefore, the requirement to submit all CD4+ counts will result in no change in activities performed by either public or private entities

b. 4-year mean

c. 2-year mean

Diseases/Conditions *Deleted* From the Reporting Rule by This Amendment

Disease/Condition	No. Cases 5-Year Annual Mean (1995-1999)
Kawaski syndrome	15.8
Meningitis, aseptic	172.8
Reye syndrome	0.75[a]
X_2 = Total = Mean annual *decrease* in diseases reported =	189.35

Note: a = 4-year mean

X_3 = Mean *net* annual change in diseases reported as a result of this amendment
= $X_1 - X_2$
= 66.4 189.35
= - 123 (rounded)

Decrease in Public Entity Costs Projected for 2000 through 2004

(1) Year	(2) No. of Cases (Note a)	(3) 0.1 X Hourly Rate-$ (Notes b, c)	(4) Expense Salary-$ (2 X 3)	(5) Postage Rate-$ (Note d)	(6) Postage Total-$ (2 X 5)	(7) Subtotal-$ (.24[4 + 6], Note c)	(8) Surveillance-$ (Notes c, f)	(9) Total-$ (7 + 8)
1999	X_3=-123							
2000	-127	1.59	-202	0.33	-42	-59	-12885	-12944
2001	-130	1.67	-217	0.34	-44	-63	-13850	-13913
2002	-134	1.75	-235	0.35	-47	-68	-14989	-15057
2003	-138	1.84	-254	0.36	-50	-73	-16209	-16282
2004	-142	1.93	-274	0.37	-53	-78	-17513	-17591
								-$75787

X_4 = *Public Entity Costs*, average per year (2000-2004), due to change in reportable conditions

= -$75787/5 = *[$15157]*

Notes:

a. Number of cases projected to increase 3% annually.
b. Staff Expense – Approximately 6 minutes per case or 0.1 of the hourly salary; used Community Health Nurse II(Q) salary of $33,624/year, or $15.92.hour).
c. 5% increase in costs computed for each year.
d. Postage - Calculated as each report being mailed separately in first class mail.
e. Expenses estimated at 24% of the total expense for reporting (see page 1, para 4, "Affected Entities").
f. A per case cost for surveillance in 2000 was determined to be $101.46.

Section B. Changes resulting from addition of requirement to report human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two years of age whose mothers are infected with HIV:

Positive test results: Already reportable, no additional costs.

Negative test results: Health agencies currently contact private physicians to obtain these results; no additional costs.

Section C. Summary

Public Entity Cost: Average annual increase (2000-2004)
$= X_4$
= [$15157]

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER 19 CSR 20-20.020

Title: Title 19 – Department of Health

Division: Division of Environmental Health and Communicable Disease Prevention

Chapter: Chapter 20 – Communicable Diseases

Type of Rule Making: Amendment

Rule Number and Name: 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate n the aggregate as to the cost of compliance with the rule by the affected entities.
154	Hospitals	Annual Cost: $377
48	Hospital laboratories	[40]
77	Private laboratories	[37]
5000	Private providers	115
437 (elementary plus high school)	Private schools	[11]
	Unknown	[31]
		Total = $373

III. WORKSHEET

See attached worksheet.

IV. ASSUMPTIONS

See attached worksheet.

Fiscal Note – Worksheet
Private Entity Cost

Rule 19 CSR 20-20.020, Reporting Communicable, Environmental and Occupational Diseases

PURPOSE: This rule designates the diseases, disabilities, conditions, and findings that must be reported to the Department of Health. It also establishes when they must be reported and who must report.

Prepared January 31, 2000 by the Department of Health, Division of Environmental Health and Communicable Disease Control, Office of Surveillance.

Affected Entities: Reports of communicable, environmental, and occupational diseases and conditions come from the following private entities. The percents listed reflect the percent of these reports received by MDOH that come from each of these entities:

Hospitals	26%
Hospital laboratories	14%
Private laboratories	13%
Private providers	8%
Private schools	4%
Unknown	11%
Total	76%

CALCULATIONS:

Section A. Changes in costs resulting from addition and deletion of diseases/conditions to the reporting rule:

Diseases/Conditions *Added* to the Reporting Rule by This Amendment
(* Primarily associated with potential terrorist event)

Disease/Condition	No. Cases 5-Year Annual Mean (1995-1999)
Vancomycin Resistant *S. aureus*	0
Acute respiratory distress syndrome (ARDS)*	0
Venezuelan equine encephalitis*	0
Glanders*	0
Dengue*	0
Yellow fever*	0
Q fever*	0
Ricin*	0
Smallpox*	0
Staphylococcal enterotoxin B*	0
T-2 mycotoxins*	0
Terrorism, clusters of patients*	0
Blastomycosis	6.2
CD4+ T cell count, all	No effect[a]
Creutzfeldt-Jakob disease	6.8[b]
Cyclosporidiosis	0
Hansen disease	0

HIV-exposed newborn	37
S. pneumoniae, drug resistant invasive disease	16[c]
Varicella deaths	0.2
Heavy metal poisoning other than Cd, Pb, Hg	0.2
X_1 = Total = Mean annual *increase* in conditions reported =	66.4

Notes:

a. CD4+ T cell count, all - The current reporting rule requires the CD4+ count to be reported for all HIV positive individuals. To comply with this, laboratories are already submitting all CD4+ counts to the Office of Surveillance (OoS), since this is easier than "sorting out" these counts for HIV positive persons. OoS personnel are already entering all CD4+ counts into databases. Therefore, the requirement to submit all CD4+ counts will result in no change in activities performed by either public or private entities

b. 4-year mean

c. 2-year mean

Diseases/Conditions *Deleted* From the Reporting Rule by This Amendment

Disease/Condition	No. Cases 5-Year Annual Mean (1995-1999)
Kawaski syndrome	15.8
Meningitis, aseptic	172.8
Reye syndrome	0.75[a]
X_2 = Total = Mean annual *decrease* in diseases reported =	189.35

Note: a = 4-year mean

X_3 = Mean *net* annual change in diseases reported as a result of this amendment
= $X_1 - X_2$
= 66.4 – 189.35
= - 123 (rounded)

Decrease in Private Entity Costs Projected for 2000 through 2004

(1) Year	(2) No. of Cases (Note a)	(3) 0.1 X Hourly Rate-$ (Notes b, c)	(4) Expense Salary-$ (2 X 3)	(5) Postage Rate-$ (Note d)	(6) Postage Total-$ (2 X 5)	(7) Total-$ (.76[4 + 6], Note e)
1999	X_3=-123					
2000	-127	1.59	-202	0.33	-42	-185
2001	-130	1.67	-217	0.34	-44	-198
2002	-134	1.75	-235	0.35	-47	-214
2003	-138	1.84	-254	0.36	-50	-231
2004	-142	1.93	-274	0.37	-53	-249
						-$1077

X_4 = *Private Entity Costs*, average per year (2000-2004), due to change in reportable conditions

= -$1077/5 = [$215]

Notes:

a. Number of cases projected to increase 3% annually.
b. Staff Expense – Approximately 6 minutes per case or 0.1 of the hourly salary; used Community Health Nurse II(Q) salary of $33,624/year, or $15.92.hour).
c. 5% increase in costs computed for each year.
d. Postage – Calculated as each report being mailed separately in first class mail.
e. Expenses estimated at 76% of the total expense for reporting (see page 1, para 4, "Affected Entities").

Section B. Changes resulting from addition of requirement to report human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two years of age whose mothers are infected with HIV:

Positive test results: Already reportable, no additional costs.

Negative test results:

HIV-exposed newborns, annual average (1995 – 1999) = 37
Minus average number seroconversions/year = 2
Average number children that will remain negative/year = 35

X_5 = (35 children X 3[a] tests) X 2[b] years = 210 tests/year

X_6 = [210 tests/year X $1.80[c]/test result] + [210 tests/year X $1.00[d]]
= $378 + $210
= $588

Notes:
a = Average number tests/year/child.
b = Average number of negative children from previous year.
c = Assuming 10 minutes of clerical support time to process each test result, at a salary of $10.80/hour.
d = Postage and supplies per test result.

Section C. Summary

Private Entity Cost: Average annual increase (2000-2004)
= $X_4 + X_6$
= [$215] + $588
= $373

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

PROPOSED RESCISSION

19 CSR 20-20.080 Duties of Laboratories. This rule established the responsibility of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

PURPOSE: This rule is being rescinded because extensive changes to its content and format require promulgation of a new rule.

AUTHORITY: sections 192.006.1 and 192.020, RSMo 1994. This rule was previously filed as 13 CSR 50-101.090. Original rule filed July 15, 1948, effective Sept. 13, 1948. Amended: Filed Aug. 4, 1986, effective Oct. 11, 1986. Amended: Filed Aug. 14, 1992, effective April 8, 1993. Amended: Filed Sept. 15, 1995, effective April 30, 1996. Emergency rescission filed June 2, 2000, effective June 15, 2000, expires Dec. 11, 2000. Rescinded: Filed June 1, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

PROPOSED RULE

19 CSR 20-20.080 Duties of Laboratories

PURPOSE: This rule establishes the responsibility of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

(1) The director or person in charge of any laboratory shall report to the local health authority or the Missouri Department of Health the result of any test that is positive for, or suggestive of, any disease or condition listed in 19 CSR 20-20.020. These reports shall be made according to the time and manner specified for each disease or condition following completion of the test and shall designate the test performed, the results of test, the name and address of the attending physician, the name of the disease or condition diagnosed or suspected, the date the test results were obtained, the name and home address (with zip code) of the patient and the patient's age, date of birth, sex, and race.

(2) In reporting findings for diseases or conditions listed in 19 CSR 20-20.020, laboratories shall report—

Arsenic (urinary) level greater than or equal to one hundred micrograms per liter (≥100 μg/l) in a 24-hour urine sample;

Cadmium (urinary) level greater than or equal to three micrograms per liter (≥3.0 μg/l) in a 24-hour urine sample;

Carboxyhemoglobin level greater than fifteen percent (15%);

Chemical/pesticide (blood or serum) level greater than the Lowest Quantifiable Limit;

Lead (blood) level—report all results;

Mercury (blood) level greater than or equal to three-tenths micrograms per deciliter (≥0.3 μ/dl);

Mercury (urinary) level greater than or equal to twenty micrograms per liter (≥20 μg/l) in a 24-hour urine sample; and

Methemoglobin proportion greater than or equal to seventy-five percent (≥75%).

(3) Isolates or specimens positive for the following reportable diseases or conditions must be submitted to the State Public Health Laboratory for epidemiological or confirmation purposes:

Anthrax (*Bacillus anthracis*)
Cholera (*Vibrio cholerae*)
Diphtheria (*Corynebacterium diphtheriae*)
Enteric *Escherichia coli* infection (*E. coli* O157:H7)
Haemophilus influenzae, invasive disease
Malaria (*Plasmodium* species)
Measles (rubeola)
Mycobacterium tuberculosis
Neisseria meningitidis, invasive disease
Pertussis (*Bordetella pertusis*)
Plague (*Yersinia pestis*)
Salmonellosis (all *Salmonella* species)
Shigellosis (all *Shigella* species)
Vancomycin Resistant *Staphylococcus aureus*

AUTHORITY: sections 192.006, RSMo Supp. 1999 and 192.020, RSMo 1994. This rule was previously filed as 13 CSR 50-101.090. Original rule filed July 15, 1948, effective Sept. 13, 1948. Amended: Filed Aug. 4, 1986, effective Oct. 11, 1986. Amended: Filed Aug. 14, 1992, effective April 8, 1993. Amended: Filed Sept. 15, 1995, effective April 30, 1996. Emergency rule filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Emergency rescission filed June 2, 2000, effective June 15, 2000, expires Dec. 11, 2000. Rescinded and readopted: Filed June 1, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri State Public Health Laboratory $227,833, the MDOH Office of Surveillance $1,948, the Missouri Rehabilitation Center Laboratory $274, and the Springfield, Kansas City, and St. Louis City laboratories $3,087, for a total cost of $233,142 annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private laboratories a total of $27,705 annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER 19 CSR 20-20.080

Title: Title 19 – Department of Health

Division: Division of Environmental Health and Communicable Disease Prevention

Chapter: Chapter 20 – Communicable Diseases

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 20-20.080 Duties of Laboratories

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State Public Health Laboratory	Annual cost: $227,833
MDOH Office of Surveillance	1,948
Missouri Rehabilitation Center Laboratory	274
Springfield, KC, and St. Louis City laboratories	3,087
	Total = $233,142

III. WORKSHEET

See attached worksheet.

IV. ASSUMPTIONS

See attached worksheet.

Fiscal Note - Worksheet
Public Entity Cost

Rule 19 CSR 20-20.080, Duties of Laboratories

PURPOSE: This rule establishes the responsibilities of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

Prepared February 4, 2000 by the Department of Health, Division of Environmental Health and Communicable Disease Control, Office of Surveillance.

Affected Entities: Missouri State Public Health Laboratory (including SW District and SE District Laboratories), MDOH Office of Surveillance, Missouri Rehabilitation Center laboratory, and the Springfield, Kansas City, and St. Louis City laboratories.

CALCULATIONS:

Section A. Reporting two additional categories of information for each disease/condition (i.e., home address with zip code and date of birth).

Of the approximately 36,000 diseases/conditions (including elevated blood lead results) reported by laboratories in 1998, 65% were reported by private laboratories and 35% were reported by public laboratories. Ten data fields are presently required to be completed for each disease/condition reported. The total increased cost for public laboratories to report two additional data fields (home address with zip code and date of birth) annually is approximately:

X_1 = (1 minute/2 data fields[a]) X ($0.148/minute[b]) X [(0.35)(36,000) cases]
= $1865

Notes:

a. A support person can enter these 2 fields into a database in one minute or less.
b. Per minute rate of a clerk-typist II (P) earning $8.88 per hour.

Section B. Reporting all blood leads instead of only elevated blood leads:

Table 1 categorizes statewide blood lead test results by "elevated" and "non-elevated" for all age groups for 1998 (most recent year for which data are available).

Table 1
Blood Lead Tests, Missouri, 1998

Age (years)	Total No. Tests	No. Tests Elevated Under Previous Rule	No. Tests Not Elevated Under Previous Rule
<6	50821	8739	42082
6-17	3142	216	2926
≥18	11782	1685	10097

Total no. blood lead tests not elevated (not previously reportable) - 1998 = 55105

Table 2 summarizes blood tests conducted for all age groups by public and private laboratories. For the purpose of this Fiscal Note, entries in Table 2 and succeeding computations in Section B that pertain to *public entities* are in bold print.

Table 2
Blood Lead Test Reporting, Missouri, 1998

	Laboratory	
	Private	Public
Age		
< 6 Years	*Private Labs* (0.33) – 11 of 12 labs currently report all results, 1 lab reports only elevated levels (all data received are currently entered into the STELLAR* database). See Computation No. 1a, No. 1b, and **No. 1c.**	***Public Labs* (0.67) – The state lab and 4 of 4 metro labs currently report all results (elevated and nonelevated). All results (including outstate**) are currently entered into STELLAR. No addition cost incurred with this amendment.**
6 – 17 Years	*Private Labs* (0.33) – 11 of 12 labs currently report all results, 1 lab reports only elevated levels (all data received are currently entered into a blood lead database). See Computation No. 2a, No. 2b, and **No. 2c.**	***Public Labs* (0.67) – The state lab and 3 of 4 metro labs currently report all results (elevated and nonelevated). Results from these labs (including outstate) are currently entered into a blood lead database. One metro lab does not enter all data, but <5 reports in this category are received per year. No significant cost would be incurred by entering these reports into the blood lead database.**
≥18 Years (primarily in conjunction with occupational exams)	*Private Labs* (0.88) – 11 of 13 industrial companies currently report all results (either directly or via a private lab), 2 of 13 companies report only elevated levels (all data received are currently entered into an adult blood lead database). See Computation No. 3a, No. 3b, and **No. 3c.**	***Public Labs* (0.12) – The state lab and 3 of 4 metro labs currently report all results (elevated and nonelevated). Results from these labs (including outstate) are currently entered into an adult blood lead database. One metro lab does not enter all data, but <5 reports in this category are received per year. No significant cost would be incurred by entering these reports into an adult blood lead database.**

* STELLAR (Systematic Tracking of Elevated Lead Levels and Remediation) - database used to track blood lead levels and related programmatic variables for children <72 months of age.
** Outstate - Those portions of the state not included in major metropolitan areas; data input for the outstate area is conducted by Office of Surveillance personnel in Jefferson City.

Computation No. 1a: Eleven of 12 private laboratories currently report all blood lead results for ages <72 months because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these laboratories only report 9 of 12 data fields/patient record (they would need to include home address, name of disease or condition diagnosed, and race). The total increased cost for these laboratories to report additional data fields for ages <72 months for nonelevated blood lead tests is:

X_2 = (1minute/3 data fields[a]) X ($0.18/minute[b]) X 13887[c] tests

= $2500

Computation No. 1b: One of 12 private laboratories currently reports only elevated blood lead levels for ages <72 months. The total increased cost for this laboratory to report nonelevated blood lead levels (all 12 data fields) for ages <72 months is:

X_3 = (3 minutes/12 data fields[d]) X ($0.18[b]) X 3356[e] tests
= $1812

X_4 = *Total Private Entity Cost* for all private laboratories to report nonelevated blood lead levels, all data fields, <72 months age
= $X_2 + X_3$
= $4312

Computation No. 1c: Test results from the one private laboratory noted in Computation No. 1b are provided in non-electronic form to the local health department. Consequently, this department re-enters the data into their database at a cost similar to that incurred by the laboratory. Thus, the cost for this health department to enter previously nonelevated blood lead levels (all 12 data fields) for ages <72 months is about $1812. No significant additional costs are incurred transmitting these data to MDOH as this is done electronically. Thus,

X_5 = *Total Public Entity Cost* to report nonelevated blood lead levels, all data fields, <72 months age
= $1812

Notes, 1a & b:

a. A support person can enter these 3 fields into a database in one minute or less.
b. Per minute rate of a support person earning $10.80 per hour.
c. Number nonelevated blood lead tests, < 72 months age, 11 private labs = 42082 (Table 1) X 0.33 (Table 2) = 13887.
d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
e. Number of nonelevated blood leads in <72-month age group for this laboratory, 1998, MDOH estimate.

Computation No. 2a: Eleven of 12 private laboratories currently report all blood lead results for ages 6 – 17 years because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these laboratories only report 9 of 12 data fields (they would need to include home address, name of disease or condition diagnosed, and race). The total increased cost for these laboratories to report additional data fields for ages 6 – 17 years for nonelevated blood lead tests is:

X_6 = (1 minute/3 data fields[a]) X ($0.18/minute[b]) X 966[c] tests
= $174

Computation No. 2b: One of 12 private laboratories currently reports only elevated blood lead levels for ages 6 – 17 years. The total increased cost for this laboratory to report nonelevated blood lead levels (all 12 data fields) for ages 6 – 17 years is:

X_7 = (3 minutes/12 fields[d]) X ($0.18/minute[b]) X 336[e] tests
= $181

X_8 = *Total Private Entity Cost* for all private laboratories to report nonelevated blood lead levels, all data fields, 6 – 17 years age

$= X_6 + X_7$
$= \underline{\$355}$

Computation No. 2c: **Test results from the one private laboratory noted in Computation No. 2b are provided in non-electronic form to the local health department. Consequently, this department re-enters the data into their database at a cost similar to that incurred by the laboratory. Thus, the cost for this health department to enter previously nonelevated blood lead levels (all 12 data fields) for ages 6 – 17 years is about $181. No significant additional costs are incurred transmitting these data to MDOH as this is done electronically. Thus,**

X_9 = *Total Public Entity Cost* to report nonelevated blood lead levels, all data fields, 6 – 17 years age
= $181

Notes, 2a & b:

a. A support person can enter these 3 fields into a database in one minute or less.
b. Per minute rate of a support person earning $10.80 per hour.
c. Number nonelevated blood lead tests, 6 - 17 years age, 11 private labs = 2926 (Table 1) X 0.33 (Table 2) = 966.
d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
e. Number nonelevated blood lead tests in 6 – 17 year age group for this laboratory, 1998, MDOH estimate.

Computation No. 3a: Eleven of 13 private industrial companies currently report all occupational blood lead results directly or through a private laboratory because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these companies only report (on the average) 5 of 12 data fields and therefore will need to report the remaining 7 data fields. The total increased cost for these companies to report 7 additional data fields for nonelevated occupational blood lead tests is:

X_{10} = (1.5 minutes/7 data fields[a]) X ($0.18/minute[b]) X 3743[c] tests
= $1011

Computation No. 3b: Two of 13 private industrial companies currently report only elevated occupational blood lead levels. The total increased cost for these companies to report nonelevated blood lead levels (all 12 data fields) for occupational blood lead tests is:

X_{11} = (3 minutes/12 fields[d]) X ($0.18/minute[b]) X 2516[e] tests
= $1359

X_{12} = *Total Private Entity Cost* for industrial companies to report nonelevated occupational blood lead levels, all data fields
$= X_{10} + X_{11}$
$= \underline{\$2370}$

Computation No. 3c: **Additional data provided by industrial companies noted in Computation Nos. 3a and b will be sent to MDOH for entry into a database. The cost to accomplish this is:**

X_{13} = Total increased cost to input 7 additional data fields for nonelevated occupational blood lead tests
= (1.5 minutes/7 data fields[a]) X ($0.148/minute[f]) X 3743[c] tests
= $831

PLUS

X_{14} = Total increased cost to input nonelevated blood lead levels (all 12 data fields) for occupational blood lead tests
= (3 minutes/12 fields[d]) X ($0.148/minute[f]) X 2516[e] tests
= $1117

X_{15} = *Total Public Entity Cost* to input nonelevated occupational blood lead levels, all data fields
= $X_{13} + X_{14}$
= $1948

Notes, 3a, b & c:

a. A support person can enter 7 fields into a database in 1.5 minutes or less.
b. Per minute rate of a support person earning $10.80 per hour.
c. Number nonelevated blood lead tests, occupational examinations, 11 industrial companies, 1998, MDOH estimate.
d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
e. Number nonelevated blood lead tests, occupational examinations, 2 industrial companies, 1998, MDOH estimate.
f. Per minute rate of a clerk-typist II (P) earning $8.88 per hour.

Section C. Addition of requirement to report methemoglobin ≥75%:

This should not result in an increase in cost since the requirement to report "methemoglobinemia" (elevated methemoglobin) already exists in 19 CSR 20-20.020, and 19 CSR 20-20.080 already cross-references 19 CSR 20-20.020.

Section D. Addition to the reporting rule of the requirement to report "HIV viral load measurement".

Cost of Processing HIV Viral Load Measurement Reports, Public Entities

(1) Year	(2) No. Reports Received (Note a, b)	(3) Cost to Process One Report-$ (Note c)	(4) Total Cost per Year-$ (2 X 3)
2000	12257	0.2513	3080
2001	12625	0.2639	3237
2002	13003	0.2771	3603
2003	13394	0.2909	3896
2004	13795	0.3055	4214
			$18030

X_{16} = *Public Entity Costs*, average per year (2000-2004), due to processing additional reports
= $18030/5
= *$3606*

Notes:

a. Includes reports received by Missouri Department of Health, Kansas City Health Department, and St. Louis City Health Department; reporting sources are 100% private laboratories.
b. The number of reports received is projected to increase 3% annually.

c. Cost to process one report – Approximately 1.7 minutes per report or 0.0283 of the hourly salary; used clerk-typist II (P) salary of $18,744/year, or $8.88/hour; costs projected to increase by 5% each year.
d. HIV viral load measurements are presently reported by private laboratories to the Missouri Department of Health, Kansas City Health Department, and St. Louis City Health Department *even though the requirement to do so does not exist.* It is estimated that over 5900 reports were received by these three health jurisdictions from January through June, 1999.

Section E. Changes pertaining to submission of isolates and specimens.

List and Average Number of Reported Cases (1988 – 1998)

Disease	Average Annual Number Reported Cases
Anthrax (*Bacillus anthracis*) – isolate	0
Cholera (*Vibrio cholerae*) – isolate	0
Diphtheria (*Corynebacterium diphtheriae*) – isolate	0
Enteric *Escherichia* infection (*E. coli* O157:H7) – isolate	28[a]
Haemophilus influenzae, invasive disease – isolate	72
Malaria (*Plasmodium* species) – blood smear	12
Measles (rubeola) – positive diagnostic test	92
Mycobacterium tuberculosis – isolate	253
Neisseria meningitidis, invasive disease – isolate	57
Pertussis (*Bordetella pertussis*) – isolate	86
Plague (*Yersinia pestis*) – isolate	0
Salmonellosis (all *Salmonella* species) – isolate	612
Shigellosis (all *Shigella* species) – isolate	509
Vancomycin Resistant *Staphylococcus aureus* – isolate	0

Total number specimens, annual = 1721

[a]based on 6 years

Cost estimate:

Transportation cost/isolate or specimen = $30
Processing/testing cost/isolate or specimen = $100

Total cost per specimen = $130

X_{17} = Total annual cost = $130 X 1721 = $223,730

Note: About 75% of the isolates/specimens noted above are presently received and processed by the State Public Health Laboratory *even though the requirement to do so does not exist.*

Section F. Summary

Public Entity Cost: Average annual increase (2000-2004)
$= X_1 + X_5 + X_9 + X_{15} + X_{16} + X_{17}$
= $1,865 + $1,812 + $181 + $1,948 + $3,606 + $223,730
= $233,142

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER 19 CSR 20-20.080

Title: Title 19 -- Department of Health

Division: Division 20 - Division of Environmental Health and Communicable Disease Prevention

Chapter: Chapter 20 – Communicable Diseases

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 20-20.080 Duties of Laboratories

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate n the aggregate as to the cost of compliance with the rule by the affected entities.
125	Private laboratories	Annual cost: $27,705

III. WORKSHEET

See attached worksheet.

IV. ASSUMPTIONS

See attached worksheet.

Fiscal Note – Worksheet
Private Entity Cost

Rule 19 CSR 20-20.080, Duties of Laboratories

PURPOSE: This rule establishes the responsibilities of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

Prepared February 4, 2000 by the Department of Health, Division of Environmental Health and Communicable Disease Control, Office of Surveillance.

Affected Entities: One hundred twenty-five private laboratories and hospital laboratories, all located in Missouri. Out-of-state laboratories performing tests on Missouri residents also report.

CALCULATIONS:

Section A. Reporting two additional categories of information for each disease/condition (i.e., home address with zip code and date of birth).

Of the approximately 36,000 diseases/conditions (including elevated blood lead results) reported by laboratories in 1998, 65% were reported by private laboratories and 35% were reported by public laboratories. Ten data fields are presently required to be completed for each disease/condition reported. The total increased cost for private laboratories to report two additional data fields (home address with zip code and date of birth) annually is approximately:

X_1 = (1 minute/2 data fields[a]) X ($0.18/minute[b]) X [(0.65)(36,000) cases]
= $4212

Notes:

a. A support person can enter these 2 fields into a database in one minute or less.
b. Per minute rate of a support person earning $10.80 per hour.

Section B. Reporting all blood leads instead of only elevated blood leads:

Table 1 categorizes statewide blood lead test results by "elevated" and "non-elevated" for all age groups for 1998 (most recent year for which data are available).

Table 1
Blood Lead Tests, Missouri, 1998

Age (years)	Total No. Tests	No. Tests Elevated Under Previous Rule	No. Tests Not Elevated Under Previous Rule
<6	50821	8739	42082
6-17	3142	216	2926
≥18	11782	1685	10097

Total no. blood lead tests not elevated (not previously reportable) - 1998 = 55105

Table 2 summarizes blood tests conducted for all age groups by public and private laboratories. For the purpose of this Fiscal Note, entries in Table 2 and succeeding computations in Section B that pertain to *private entities* are in bold print.

Table 2
Blood Lead Test Reporting, Missouri, 1998

Age	Laboratory: Private	Laboratory: Public
< 6 Years	***Private Labs*** **(0.33) – 11 of 12 labs currently report all results, 1 lab reports only elevated levels (all data received are currently entered into the STELLAR* database). See Computation No. 1a, No. 1b**, and No. 1c.	*Public Labs* (0.67) – The state lab and 4 of 4 metro labs currently report all results (elevated and nonelevated). All results (including outstate**) are currently entered into STELLAR. No addition cost incurred with this amendment.
6 – 17 Years	***Private Labs*** **(0.33) – 11 of 12 labs currently report all results, 1 lab reports only elevated levels (all data received are currently entered into a blood lead database). See Computation No. 2a, No. 2b**, and No. 2c.	*Public Labs* (0.67) – The state lab and 3 of 4 metro labs currently report all results (elevated and nonelevated). Results from these labs (including outstate) are currently entered into a blood lead database. One metro lab does not enter all data, but <5 reports in this category are received per year. No significant cost would be incurred by entering these reports into the blood lead database.
≥18 Years (primarily in conjunction with occupational exams)	***Private Labs*** **(0.88) – 11 of 13 industrial companies currently report all results (either directly or via a private lab), 2 of 13 companies report only elevated levels (all data received are currently entered into an adult blood lead database). See Computation No. 3a, No. 3b**, and No. 3c.	*Public Labs* (0.12) – The state lab and 3 of 4 metro labs currently report all results (elevated and nonelevated). Results from these labs (including outstate) are currently entered into an adult blood lead database. One metro lab does not enter all data, but <5 reports in this category are received per year. No significant cost would be incurred by entering these reports into an adult blood lead database.

* STELLAR (Systematic Tracking of Elevated Lead Levels and Remediation) - database used to track blood lead levels and related programmatic variables for children <72 months of age.
** Outstate - Those portions of the state not included in major metropolitan areas; data input for the outstate area is conducted by Office of Surveillance personnel in Jefferson City.

Computation No. 1a: Eleven of 12 private laboratories currently report all blood lead results for ages <72 months because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these laboratories only report 9 of 12 data fields/patient record (they would need to include home address, name of disease or condition diagnosed, and race). The total increased cost for these laboratories to report additional data fields for ages <72 months for nonelevated blood lead tests is:

$$X_2 = (1\text{minute}/3\text{ data fields}^a) \times (\$0.18/\text{minute}^b) \times 13887^c\text{ tests}$$
$$= \$2500$$

Computation No. 1b: One of 12 private laboratories currently reports only elevated blood lead levels for ages <72 months. The total increased cost for this laboratory to report nonelevated blood lead levels (all 12 data fields) for ages <72 months is:

X_3 = (3 minutes/12 data fields[d]) X ($0.18[b]) X 3356[e] tests
= $1812

X_4 = *Total Private Entity Cost* for all private laboratories to report nonelevated blood lead levels, all data fields, <72 months age
= $X_2 + X_3$
= $4312

Computation No. 1c: Test results from the one private laboratory noted in Computation No. 1b are provided in non-electronic form to the local health department. Consequently, this department re-enters the data into their database at a cost similar to that incurred by the laboratory. Thus, the cost for this health department to enter previously nonelevated blood lead levels (all 12 data fields) for ages <72 months is about $1812. No significant additional costs are incurred transmitting these data to MDOH as this is done electronically. Thus,

X_5 = *Total Public Entity Cost* to report nonelevated blood lead levels, all data fields, <72 months age
= $1812

Notes, 1a & b:

a. A support person can enter these 3 fields into a database in one minute or less.
b. Per minute rate of a support person earning $10.80 per hour.
c. Number nonelevated blood lead tests, < 72 months age, 11 private labs = 42082 (Table 1) X 0.33 (Table 2) = 13887.
d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
e. Number of nonelevated blood leads in <72-month age group for this laboratory, 1998, MDOH estimate.

Computation No. 2a: Eleven of 12 private laboratories currently report all blood lead results for ages 6 – 17 years because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these laboratories only report 9 of 12 data fields (they would need to include home address, name of disease or condition diagnosed and race). The total increased cost for these laboratories to report additional data fields for ages 6 – 17 years for nonelevated blood lead tests is:

X_6 = (1 minute/3 data fields[a]) X ($0.18/minute[b]) X 966[c] tests
= $174

Computation No. 2b: One of 12 private laboratories currently reports only elevated blood lead levels for ages 6 – 17 years. The total increased cost for this laboratory to report nonelevated blood lead levels (all 12 data fields) for ages 6 – 17 years is:

X_7 = (3 minutes/12 fields[d]) X ($0.18/minute[b]) X 336[e] tests
= $181

X_8 = *Total Private Entity Cost* for all private laboratories to report nonelevated blood lead levels, all data fields, 6 – 17 years age
= $X_6 + X_7$
= $355

Computation No. 2c: Test results from the one private laboratory noted in Computation No. 2b are provided in non-electronic form to the local health department. Consequently, this department re-enters the data into their database at a cost similar to that incurred by the laboratory. Thus, the cost for this health department to enter previously nonelevated blood lead levels (all 12 data fields) for ages 6 – 17 years is about $181. No significant additional costs are incurred transmitting these data to MDOH as this is done electronically. Thus,

X_9 = *Total Public Entity Cost* to report nonelevated blood lead levels, all data fields, 6 – 17 years age
= $181

Notes, 2a & b:

a. A support person can enter these 3 fields into a database in one minute or less.
b. Per minute rate of a support person earning $10.80 per hour.
c. Number nonelevated blood lead tests, 6 - 17 years age, 11 private labs = 2926 (Table 1) X 0.33 (Table 2) = 966.
d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
e. Number nonelevated blood lead tests in 6 – 17 year age group for this laboratory, 1998, MDOH estimate.

Computation No. 3a: Eleven of 13 private industrial companies currently report all occupational blood lead results directly or through a private laboratory because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these companies only report (on the average) 5 of 12 data fields and therefore will need to report the remaining 7 data fields. The total increased cost for these companies to report 7 additional data fields for nonelevated occupational blood lead tests is:

X_{10} = (1.5 minutes/7 data fields[a]) X ($0.18/minute[b]) X 3743[c] tests
= $1011

Computation No. 3b: Two of 13 private industrial companies currently report only elevated occupational blood lead levels. The total increased cost for these companies to report nonelevated blood lead levels (all 12 data fields) for occupational blood lead tests is:

X_{11} = (3 minutes/12 fields[d]) X ($0.18/minute[b]) X 2516[e] tests
= $1359

X_{12} = *Total Private Entity Cost* for industrial companies to report nonelevated occupational blood lead levels, all data fields
= $X_{10} + X_{11}$
= $2370

Computation No. 3c: Additional data provided by industrial companies noted in Computation Nos. 3a and b will be sent to MDOH for entry into a database. The cost to accomplish this is:

X_{13} = Total increased cost to input 7 additional data fields for nonelevated occupational blood lead tests
= (1.5 minutes/7 data fields[a]) X ($0.148/minute[f]) X 3743[c] tests
= $831

PLUS

X_{14} = Total increased cost to input nonelevated blood lead levels (all 12 data fields) for occupational blood lead tests
= (3 minutes/12 fields[d]) X ($0.148/minute[f]) X 2516[e] tests
= $1117

X_{15} = *Total Public Entity Cost* to input nonelevated occupational blood lead levels, all data fields
= $X_{13} + X_{14}$
= $1948

Notes, 3a, b & c:

a. A support person can enter 7 fields into a database in 1.5 minutes or less.
b. Per minute rate of a support person earning $10.80 per hour.
c. Number nonelevated blood lead tests, occupational examinations, 11 industrial companies, 1998, MDOH estimate.
d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
e. Number nonelevated blood lead tests, occupational examinations, 2 industrial companies, 1998, MDOH estimate.
f. Per minute rate of a clerk-typist II (P) earning $8.88 per hour.

Section C. Addition of requirement to report methemoglobin ≥75%:

This should not result in an increase in cost since the requirement to report "methemoglobinemia" (elevated methemoglobin) already exists in 19 CSR 20-20.020, and 19 CSR 20-20.080 already cross-references 19 CSR 20-20.020.

Section D. Addition to the reporting rule of the requirement to report "HIV viral load measurement".

Cost of Processing HIV Viral Load Measurement Reports, Private Entities

(1) Year	(2) No. Reports Received (Note a, b)	(3) Cost to Process One Report-$ (Note c)	(4) Total Cost per Year-$ (2 X 3)
2000	12257	0.3056	3746
2001	12625	0.3209	4051
2002	13003	0.3370	4382
2003	13394	0.3538	4739
2004	13795	0.3715	5125
			$22043

X_{16} = *Private Entity Costs*, average per year (2000-2004), due to processing additional reports
= $22043/5
= $4409

Notes:

a. Includes reports sent to Missouri Department of Health, Kansas City Health Department, and St. Louis City Health Department; reporting sources are 100% private laboratories.
b. The number of reports sent is projected to increase 3% annually.
c. Cost to process one report – Approximately 1.7 minutes per report or 0.0283 of the hourly salary; used clerical support salary of $22,810/year, or $10.80/hour; costs projected to increase by 5% each year.

d. HIV viral load measurements are presently reported by private laboratories to the Missouri Department of Health, Kansas City Health Department, and St. Louis City Health Department *even though the requirement to do so does not exist*. It is estimated that over 5900 reports were received by these three health jurisdictions from January through June, 1999.

Section E. Changes pertaining to submission of isolates and specimens:

List and Average Number of Reported Cases (1988 – 1998)

Disease	Average Annual Number Reported Cases
Anthrax (*Bacillus anthracis*) – isolate	0
Cholera (*Vibrio cholerae*) – isolate	0
Diphtheria (*Corynebacterium diphtheriae*) – isolate	0
Enteric *Escherichia* infection (*E. coli* O157:H7) – isolate	28[a]
Haemophilus influenzae, invasive disease – isolate	72
Malaria (*Plasmodium* species) – blood smear	12
Measles (rubeola) – positive diagnostic test	92
Mycobacterium tuberculosis – isolate	253
Neisseria meningitidis, invasive disease – isolate	57
Pertussis (*Bordetella pertussis*) – isolate	86
Plague (*Yersinia pestis*) – isolate	0
Salmonellosis (all *Salmonella* species) – isolate	612
Shigellosis (all *Shigella* species) – isolate	509
Vancomycin Resistant *Staphylococcus aureus* – isolate	0

Total number specimens, annual = 1721

[a]based on 6 years

Estimate: 125 private laboratories and hospital laboratories

Based on private sector information: Labor to send specimens = $6.60 per specimen
Media for submitting isolates = $0.40

Total per specimen = $7.00

X_{17} = Total annual cost = 1721 specimens x $7/specimen = $12,047 or $96/per facility/year

Section F. Summary

Private Entity Cost: Average annual increase (2000-2004)
= $X_1 + X_4 + X_8 + X_{12} + X_{16} + X_{17}$
= $4,212 + $4,312 + $355 + $2,370 + $4,409 + $12,047
= $27,705

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases

PROPOSED AMENDMENT

19 CSR 20-26.030 Human Immunodeficiency Virus (HIV) *[Antibody]* **Test Consultation and Reporting**. The Department of Health proposes to amend the Purpose and sections (1) and (2).

PURPOSE: This amendment provides a general clarification of the text and requires that: informed consent be obtained prior to HIV testing; client-centered counseling is used for any individual obtaining HIV pre- and posttest counseling services; individuals with HIV positive test results, in addition to appropriate posttest counseling, also be counseled regarding their responsibility to inform sex/needle-sharing partners of the potential for exposure to HIV; HIV-positive test results be reported within three days rather than seven days to be consistent with 19 CSR 20-20.020; and expands the HIV case definition for surveillance to include tests other than antibody tests.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4 RSMo. Such material will be provided at the cost established by state law.

PURPOSE: This rule defines the manner in which the sampling and [consultation] ***client-centered counseling*** *for* ***HIV*** *[human immunodeficiency virus] antibody testing is to be administered by persons authorized by* ***the Department of Health and positive test results reported to*** *the Department of Health [and the reporting of positive test results].*

(1) The following definitions shall be used in administering this rule:

(C) Window period means the interval between exposure to *[human immunodeficiency virus] [(]*HIV*[)]* and development of a positive *[antibody]* **HIV** test.

(2) *[To be authorized by the department to do HIV sampling,]* **Except as provided by 19 CSR 20-26.040,** a person **performing HIV sampling and pre- and posttest counseling services** shall be a health care professional *[or able to provide accurate and current information about HIV serologic testing along with pretest and posttest consultation in accordance with this rule and shall provide or make provisions for pretest and posttest consultation in person to the person tested or his/her legal guardian or custodian]* **or other public health professional authorized by the Department of Health to provide these services and shall provide current and accurate HIV education and testing information in person to the person tested or his or her legal guardian or custodian**. If**,** after investigation by a department employee, the person responsible for *[sampling]* **providing pre- and posttest counseling services** is determined not to be observing the provisions of this rule, the department shall deny authorization.

(A) Pretest **client-centered counseling** *[consultation]* shall occur before **HIV** sampling and include a **knowledge and** risk assessment of the person to be tested to determine the person's potential for exposure and infection. The person to be tested shall be *[advised of the etiology and methods of transmission of HIV, the testing methodology, the meaning of the test results and the type of behavior necessary to reduce the risk of exposure to the virus.]* **asked about his/her basic HIV knowledge, and if such knowledge is lacking, advised of the means of HIV transmission and the meaning of the test results. Informed consent shall be obtained from the person prior to HIV testing. A plan to receive test results shall be established with the person.**

(B) Posttest **client-centered counseling** *[consultation]* shall *[also]* be provided to all persons tested for HIV *[antibodies]* **infection**. It shall include the test results and their significance, *[information on good preventive and]* risk reduction *[practices]* and **prevention information, and** referral of the person *[for]* **to** medical care and other support services as needed. If the test results are *[negative]* **positive, included in the posttest counseling, there shall be a discussion of the client's responsibility to ensure that sex/needle-sharing partners are advised of their potential exposure to HIV. If the test results are negative,** the person tested shall be advised of the window period and possible need for retesting **if exposure has occurred within the window period.** If the test results are equivocal, the person shall *[also]* be advised of the *[possible]* need for retesting.

(C) If the test results are positive, the identity of the person tested along with related clinical and identifying information shall be reported to the department or its designated representative by the person who performs or conducts HIV sampling within *[seven (7)]* **three (3)** days of receipt of the test results on forms provided by the Department of Health (see Form #1 **incorporated into this rule by reference**).

(D) Client-centered counseling shall be utilized, as outlined by the current Centers for Disease Control and Prevention *HIV Partner Counseling and Referral Services (PCRS) Guidance*. This method of counseling shall include the following basic elements: a) encourage client participation by informing, reassuring and developing an atmosphere of trust for the client; b) formulating a realistic PCRS plan to assist HIV negative persons to stay negative and HIV positive persons to access support services; and c) assist the HIV positive person in developing a plan for contact tracing and partner notification services.

*[(D)]***(E)** Sites testing persons under the following situations shall be exempt from reporting the identity of persons testing positive for HIV. These sites shall report HIV positive test results as well as *[other]* related clinical and *[identifying]* **other** information within *[seven (7)]* **three (3)** days of receipt of the test results on forms provided by the Department of Health (see Form #1), but shall be exempt from reporting the patient's name and street address—instead a unique patient identifier shall be used:

1. Persons tested **anonymously** at department-designated anonymous testing sites;

2. Persons tested as part of a research project *[at those sites participating in a research project]* **that is** approved by an institutional review board and *[with notification of the board's approval submitted to the department in writing;]* **as part of the research, subjects are tested for HIV infection. Written documentation of institutional review board approval must be submitted to the department's Office of Surveillance;** or

3. Where prohibited by federal law or regulation*[;]***.**

*[(E)]***(F)** Laboratories which perform **HIV** testing shall report identifying information as specified in 19 CSR 20-20.080*[; and]***.**

*[(F)]***(G)** All persons reported with HIV infection to the department or its designated representative *[shall be treated as referrals for public health]* **shall be contacted by public health personnel** for *[public health]* partner elicitation/notification services according to protocols and procedures established by the department.

(H) The following material is incorporated into this rule by reference:

1. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *HIV Partner*

***Counseling and Referral Services (PCRS) Guidance*, December 1998.**

*AUTHORITY: sections [191.653, 191.656, 192.005 and] 192.020, RSMo [1986] **1994** and **192.006, 191.653 and 191.656,** RSMo [Supp. 1988)] **Supp. 1999**. Original rule filed March 14, 1989, effective July 13, 1989. Rescinded and readopted: Filed April 14, 1992, effective Dec. 3, 1992. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases

PROPOSED AMENDMENT

19 CSR 20-26.040 Physician Human Immunodeficiency Virus (HIV) *[Antibody]* Test Consultation and Reporting. The Department of Health is amending the Purpose and sections (1), (2), (3), (4) and (5), and adding a new section (6).

PURPOSE: This amendment provides a general clarification of the text and: allows for laboratory testing for HIV by methods other than only antibody testing; deletes the definition of serological test; and requires that HIV-positive test results be reported within three days rather than seven days to be consistent with 19 CSR 20-20.020.

*PURPOSE: This rule establishes guidelines specific to physicians and other health care professionals working under physician orders for [human immunodeficiency virus blood sampling, and] **HIV testing,** pretest and posttest consultation **(client-centered counseling),** and for the reporting of persons diagnosed with [human immunodeficiency virus] **HIV** infection.*

(1) The following definitions shall be used in administering this rule:

(B) Confirmed *[human immunodeficiency virus] [(]*HIV*[)]* infection means the clinical diagnosis and conclusion that a patient is infected with HIV, made in the professional judgment of the physician based upon clinical history, physician examination, diagnostic or laboratory *[serological]* testing or other available clinical information which allows the physician to make clinical and therapeutic decisions based upon this infected status;

(D) Physician means any person licensed to practice as a physician and surgeon under Chapter 334, RSMo; **and**

(E) Physician**'**s delegated representative means state licensed professional involved in direct patient care, other than those persons licensed as physicians under Chapter 334, RSMo**.***[; and]*

[(F) Serological test means—

1. A serum specimen repeatedly reactive for HIV antibody by a licensed screening test (for example, enzyme-linked immunosorbent assay (EIA)) that has been verified by a more specific subsequent test (such as Western Blot or immunofluorescence assay (IFA));

2. A positive lymphocyte culture verified by a specific HIV antigen test or by in situ hybridization using a deoxyribonucleic acid (DNA) probe;

3. A positive result on any other highly specific test for HIV; or

4. A T-Helper (CD4) lymphocyte count performed as a part of the clinical management of a person who in the professional judgment of the physician is infected with HIV.]

(2) The physician or the physician**'**s delegated representative shall provide consultation with the patient or his/her legal guardian or custodian prior to conducting HIV *[blood sampling]* **testing**, and to the patient, guardian or custodian during the reporting of the test results or diagnosis.

(3) The physician shall report to the department or its designated representative the identity of any person with confirmed HIV infection along with related clinical and identifying information within *[seven (7)]* **three (3)** days of receipt of the test results on forms provided by the department (see Form #1 following 19 CSR 20-26.030).

(4) Physicians testing persons under the following situations shall be exempt from reporting the identity of the person testing positive for HIV. In these situations, physicians shall report HIV positive test results as well as *[other]* related clinical and *[identifying]* **other** information within *[seven (7)]* **three (3)** days of receipt of the test results on forms provided by the department (see Form #1 following 19 CSR 20-26.030), but shall be exempt from reporting the patient**'**s name and street address—instead a unique patient identifier shall be used.

(A) Persons tested *[solely]* as part of a research project *[at those sites participating in a research project]* **which is** approved by an institutional review board *[with notification of the boards approval submitted to the department in writing]* **and in which, as part of the research, subjects are tested for HIV infection. Written documentation of institutional review board approval must be submitted to the department's Office of Surveillance**; or

(5) All persons reported with HIV infection to the department or its designated representative *[shall be treated as referrals for public health]* **can be contacted by public health personnel** for *[public health]* partner elicitation/notification services according to protocols and procedures established by the department.

(6) Laboratories which perform HIV testing shall report identifying information as specified in 19 CSR 20-20.080.

*AUTHORITY: sections 191.653 and 191.656, [192,005.2] **and 192.006,** RSMo [Supp. 1988] **Supp. 1999** and 192.020, RSMo [1986] **1994**. Original rule filed April 14, 1992, effective Dec. 3, 1992. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with

Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases

PROPOSED AMENDMENT

19 CSR 20-26.070 Notification of Results of Court-Ordered *Human Immunodeficiency Virus* (HIV) Testing of Sexual Offenders. The Department of Health proposes to amend sections (1)–(5).

PURPOSE: This amendment updates references to units within the Department of Health that have changed names and allows for specimens other than only blood to be used for HIV testing.

(1) If a court orders a person to undergo *[human immunodeficiency virus (HIV)]* **HIV** testing under section 191.663, RSMo, the following information shall be reported by the court to the *[Bureau]* **Section** of *[Sexually Transmitted Diseases] [(]*STD*[)]/*-HIV/**AIDS** Prevention **and Care Services**:

(B) The name and address of the facility *[where the person will receive pretest counseling and submit a blood specimen for testing;]* **which will submit the sample for testing;**

(2) All results of HIV testing performed under the provisions of section 191.663, RSMo shall be reported by the laboratory performing the test to the *[Bureau of STD/HIV Prevention]* **Office of Surveillance**.

(3) *[Bureau]* **Section** of STD/HIV/**AIDS** Prevention *[personnel]* **and Care Services counseling and intervention staff** shall convey the results of the testing, along with appropriate counseling and any necessary referral assistance, to each victim.

(4) *[Bureau]* **Section** of STD/HIV/**AIDS** Prevention *[personnel]* **and Care Services staff** shall convey the results of the testing, along with any necessary educational information relative to those results, to the administrator of the jail or correctional facility in which the sexual offender is confined.

(5) *[Bureau]* **Section** of STD/HIV/**AIDS** Prevention *[personnel]* **and Care Services staff** shall ensure that the results of the **HIV** testing*[, along with appropriate post-test counseling,]* are conveyed to the sexual offender **appropriately and confidentially**.

AUTHORITY: section 191.663, RSMo [1994] ***Supp. 1999****. Emergency rule filed Nov. 2, 1994, effective Nov. 12, 1994, expired March 11, 1995. Emergency rule filed March 1, 1995, effective March 12, 1995, expired July 9, 1995. Original rule filed Nov. 2, 1994, effective May 28, 1995. Amended: Filed June 1, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register;* an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either:1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under sections 332.031, 332.091 and 332.311, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 110-2.001 Definitions **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2000 (25 MoReg 477–478). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under section 332.031, RSMo Supp. 1999, the board rescinds a rule as follows:

4 CSR 110-2.130 Dental Hygienists **is rescinded**.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2000 (25 MoReg 478). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under sections 332.031, 332.071 and 332.311, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 110-2.130 Dental Hygienists **is adopted**.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2000 (25 MoReg 478–484). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Dental Board received a total of two (2) written comments. In response to these comments, the Missouri Dental Board makes the following findings.

COMMENT: On behalf of the Missouri Association of Nurse Anesthetists, Mr. Louis J. DesPres expressed concern about advocating dental hygienists as anesthesia providers in the administration of nitrous oxide to dental patients. He cites patient safety as the primary concern and suggests that dental hygienists be required to complete anesthesia training in an existing, accredited anesthesia program. Mr. DesPres also suggests that dental hygienists be required to successfully complete basic cardiac life support (BCLS), advanced cardiac life support (ACLS), pass a certifying exam by a nationally recognized certifying board, maintain certification by the certifying board, complete continuing education dedicated to their knowledge and understanding of nitrous oxide, be credentialed by the Missouri Dental Board, and be directly supervised by the operating dentist at all times before being allowed to administer nitrous oxide.

COMMENT: Dr. Leonard Shackles comments that he objects to the hygienist being able to do dentistry as set forth in Section 332.071 without a dental license.

RESPONSE: The Board appreciates the concerns expressed by the President of the Missouri Association of Nurse Anesthetists and the comments received by Dr. Shackles. Since it is the Board's obligation to protect the health and safety of the public concerning the practice of dentistry and dental hygiene in Missouri, this proposed rule is the product of many months of deliberation with the dental and dental hygiene community. These deliberations included consultation with the educators from the accredited institutions that sponsor the specialized training required in the rule. This proposed rule does not advocate that dental hygienists be utilized as anesthesia providers in the administration of nitrous oxide to den-

tal patients, neither does it allow hygienists to practice dentistry. Rather, the proposed rule authorizes dental hygienists to administer nitrous oxide and local anesthesia under the direct or indirect supervision of a licensed dentist only after having provided proof of competency in a specialized course of training and after having been issued a permit by the Missouri Dental Board. The Board's current rule on dental hygienists already authorizes the Board to issue permits to dental hygienists to administer infiltration anesthesia and nitrous oxide analgesia after having completed specialized training and a competency examination. This rule has been in effect since 1984. During that sixteen-year period, the Board has not received any complaints from the public regarding the administration of either nitrous oxide or infiltration anesthesia by a dental hygienist. Additionally, the Board is not aware of any situation that has resulted in harm to the dental patient as a result of a dental hygienist administering either infiltration anesthesia or nitrous oxide analgesia to a dental patient. Therefore, the Board finds that the proposed rule is more than adequate without change to protect the health and safety of the dental patient.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of School Services
Chapter 345—Missouri School Improvement Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo 1994, the board amends a rule as follows:

5 CSR 30-345.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2000 (25 MoReg 533). Changes have been made in the text of the proposed amendment as well as the *Integrated Standards and Indicator*. Section (2), with changes, is reprinted as follows. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received thirty-eight (38) comments to the proposed amendment. Two (2) comments addressed the proposed amendment to the rule. Thirty-six (36) comments addressed the Standards and Indicators used by the Missouri School Improvement Program (MSIP) which are incorporated by reference into the rule being amended.

COMMENT: The proposed rule will cost more than $500. The rule does not reference the Report Writing Guide and Rubric (Scoring Guide) which are a part of the Missouri School Improvement Program.
RESPONSE AND EXPLANATION OF CHANGE: The State Board has considered these comments and has further amended the rule by redefining the cost of the rule and by amending section (2). The changes in section (2) and the public entity fiscal note have been made and reprinted here for clarity.

COMMENT: It is "impossible" to provide 1500 minutes of health and safety education instruction for all middle school students (Indicator 1.2.2).
RESPONSE: The 1500 minutes requirement for health is unchanged from the Second Cycle. Exceptions may be granted to districts using eight (8) and ten (10) block schedules or for other acceptable reasons.

COMMENT: "Career education" in Indicator 1.1.1 should be changed to "career awareness."
RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has decided to change Indicator 1.1.1 of the Integrated Standards and Indicators incorporated by reference by inserting the word awareness. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Two comments were received on Standard 3.1, 3.2 and 4.3.
- Change staffing ratio in Indicators 3.1, 3.2 and 4.3 to district wide ratios rather than building ratios.
- Psychometrists, social workers, etc., should count in the counseling staff ratios in Standard 3.2.

RESPONSE: District wide variance is considered. The clear focus of these ratios is to see that all students have access to these services, not just students in selected buildings. Exceptions may be granted for acceptable reasons.

COMMENT: Indicator 1.2.6 would require all students to take an algebra course. Some students are not ready in the middle school to take course in algebraic concepts.
RESPONSE: A course that offers algebraic concepts must be "available" to all middle school students. The indicator does not require all students to take a course in algebraic concepts.

COMMENT: Eleven (11) comments were received on Indicator 6.1.1 that would require curriculum guides to include certain components.
- It is not appropriate to require instructional strategies and performance-based assessments for each objective.
- This requirement is not unreasonable but this is a new requirement that will require a lot of time and work to complete.
- Differentiate between "instructional strategy" and "activity". The prescriptive nature of 6.1.1 goes against the philosophy of performance assessment.
- Later Third Cycle districts will have more time to prepare than will the early Third Cycle district.
- All curriculum guides will have to be rewritten. This is an important task and should not be done quickly just to satisfy MSIP.
- Requiring board of education approval of curriculum guides is not reasonable.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees that it may not be appropriate for each objective to have a performance-based assessment. However, the Department believes having instructional strategies and specific assessments (including performance-based assessments) for each objective is important for districts in order for their students to do well on the Missouri Assessment Program (MAP). The Department declines to address the fairness and timeliness issue in the Standards and Indicators but agrees it is an important issue that must be addressed in other components of the program. Boards of education (160.514 RSMo) are required to "adopt or develop a written curriculum which is designed to ensure" that students learn the skills in the Show-Me Standards. Requiring curriculum articulation is a Second Cycle Indicator carried over into the Third Cycle. The State Board of Education has decided to change the language in Indicator 6.1.1 of the Integrated Standards and Indicators incorporated by reference by amending the Indicator to read specific assessments (including performance-based assessments) for a majority of the learner objectives. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Four (4) comments were received on Indicator 6.1.3 which requires districts to incorporate content and processes related to equity, technology, research and workplace readiness skills in their written curriculum across all subject and grades.

- To require this across all subjects and grades is an excessive requirement. This would require a rewrite of all curriculum guides.
- First year districts in the cycle are at a disadvantage.
- It will take time to complete this.
- How do you demonstrate this Indicator? It will be complex and a burden.

RESPONSE AND EXPLANATION OF CHANGE: The State Board declines to address the issue of fairness and timeliness in the Integrated Standards and Indicators. The Second Cycle Standards contained this requirement and it has been retained in the Third Cycle. However, the language used does not effectively convey the intent that the curriculum guides at each level (elementary, middle school and high school) should give students the opportunity to learn about these important concepts. The State Board of Education has decided to change the wording in the Integrated Standards and Indicators incorporated by reference by deleting across all subject areas and grades. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Two (2) comments were received regarding Indicator 6.2.1 that requires districts to include in their written assessment plan specific strategies for assessing the Show-Me Standards not assessed on the MAP.

- Teachers should not be forced to address this indicator at the expense of regular classroom instruction. They need support, release time and compensation.
- Must the strategies be a specific test?

RESPONSE: The Department requires that districts develop a means to measure the Show-Me Standards not tested by the MAP and each district may assess them as they see best for their district.

COMMENT: Two (2) comments were received regarding Indicator 6.2.2 that requires districts to implement strategies to motivate students to do their best on the MAP.

- The concept places the responsibility of motivating students to perform well on the MAP on Missouri educators. It is "misplaced in MSIP and should be addressed in a different forum." It could produce unintended consequences—also needs to include responsibility of others such as parents, students, administrators and teachers.
- This needs to be done but how do we do it—particularly with disinterested high school students?

RESPONSE: The State Board declines to change this Indicator. The Department agrees that many segments of the community need to be involved in motivating students to perform well. However, this is an important concept for districts to think about and address in their long-range planning.

COMMENT: One comment was received specifically regarding Indicator 6.2.3 that requires the board of education to review disaggregated achievement and dropout data for five (5) or more students. It would be better if the required disaggregation were based upon a population of five (5) or 5%, whichever is larger. There were a number of comments under Indicators 9.1.2 and 9.1.4 that were related to this issue but more specific to the measurement for performance accountability.

RESPONSE AND EXPLANATION OF CHANGE: The Department believes it is important for local boards to examine this data to determine if a subgroup of five (5) or more of a sub-population is lagging behind in achievement or are dropping out at a higher rate. There is a relationship between this Indicator and Indicators 9.1.3 and 9.1.4. This indicator requires examination and action if there is a difference and the Performance Indicators 9.1.3 and 9.1.4 are designed to be measured by the Department as to amount of improvement. Based on the comments, the State Board of Education has decided to change the wording in the Integrated Standards and Indicators incorporated by reference by including migrant and Limited English Proficient (LEP). The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Four (4) comments were received regarding Standard 6.3.

- The term "assesses needs" in the Standard 6.3 needs to be clarified.
- In Indicator 6.3.1 there should be more attention and identification of at risk populations.
- Does Indicator 6.3.4 require every student to have extended learning opportunities or must extended learning opportunities be made available to every student.
- It is important to include in this Standard an Indicator that addresses effective, research-based reading instruction at the primary level.

RESPONSE AND EXPLANATION OF CHANGE: Standard 6.2 requires a district to have an assessment program which when implemented would identify needs for improvement to the instructional program. This Standard requires the district to use the data derived in 6.2 to judge what improvement should be made. The Standard as written focuses on all student populations who are at risk. It is the intent of Indicator 6.3.4 to assure that all students have "access" to extended learning opportunities. The State Board of Education has decided to change the wording in the Integrated Standards and Indicators incorporated by reference by the addition of an Indicator: A balanced, research-based reading program is in place for grades K-3 and by inserting access to extended learning. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Two (2) comments were received regarding Indicator 6.5.2 which suggests that a good learning environment is created when teachers accept responsibility for prompting student success.

- The wording should be changed to "teachers share responsibility…"
- What documentation will be required?

RESPONSE AND EXPLANATION OF CHANGE: Documentation is not a part of the Integrated Standards and Indicators incorporated by reference. The State Board of Education has decided to change the wording in the Integrated Standards and Indicators incorporated by reference by adding and administrators after teachers. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Indicator 6.6 does not include reference to the involvement of parents as it did in the Second Cycle.

RESPONSE: Parental involvement has been strengthened and combined with other parent engagement issues under Indicator 7.5.3.

COMMENT: Three (3) comments were received about specifically identifying National Staff Development Council (NSDC) Standards in the Standard 6.7.

RESPONSE: The Department does not reference other agency specified standards within its standards. However, as in the case with Model Guidance, Library Media Center (LMC) Standards, etc., the concepts of NSDC have been considered and infused into the Standards and Indicators as appropriate.

COMMENT: Indicator 6.7.6 should have the word "Substantial" removed.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has decided to change the wording in the Integrated Standards and Indicators incorporated by reference by deleting the word substantial.

COMMENT: Two (2) comments were received regarding Library Media Centers (Standard 6.8)

- Indicator 6.8.1 should reference that the librarian assists all student "populations" and staff....
- Requiring a "set of systematic strategies" specific to the Library Media Centers tends to be counter to the concept of a district developing a Comprehensive School Improvement Plan to meet it's unique needs. Change the wording.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has decided to change the wording in the Integrated Standards and Indicators incorporated by reference by adding the word populations and by changing the wording for Indicator 6.8.4. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Three (3) comments were received regarding Standard 6.9 Guidance.

- 6.9 does not reference the recently developed State guidance curriculum.
- The guidance curriculum should not be revised every three (3) years but on a five (5) or six (6) year regular cycle like other curricular areas.
- What are System Support and Management Activities?
- Career planning should begin no later than grade eight.

RESPONSE AND EXPLANATION OF CHANGE: The Department does not dictate what curriculum a district should use and believes this is a local decision. The guidance curriculum is based upon the needs assessment and generally consists of activities that are not revised in the same sense as other curriculum. System support and management activities includes such things as counselors serving as consultants, informing the public about the functions of guidance and working with employers and post-secondary institutions in order to stay current on training and employment needs. The State Board of Education has decided to change the wording in the Integrated Standards and Indicators incorporated by reference by inserting no later than grade eight (8) and in Indicator 6.9.3. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Clarification is needed on Indicator 7.1 "All students with disabilities have access to the general curriculum.... Does this mean all disabled students are mainstreamed?"
RESPONSE: It means that all have access to the general curriculum not that all must be placed in the general curriculum. Access suggests it is available where appropriate.

COMMENT: The language in Indicator 7.2.4 regarding gifted education services are designed to provide identified students with "instructional objectives and strategies" should be changed to "learning objectives and teaching strategies."
RESPONSE: The words are considered to have the same meaning.

COMMENT: Four (4) comments were received for Indicator 8.1 that requires districts to evaluate programs and services every two (2) years.

- It is not possible to evaluate programs every two (2) years because it takes more than two (2) years of data to evaluate effectively.
- This is a "short circuit" to the comprehensive curriculum review cycle.
- Thanks for changing the required program evaluations to once every two years.
- What is a program? This is a huge requirement for large districts.

RESPONSE: This standard is aimed at the preferred practice of regularly evaluating programs against the stated program goals or purposes. The district defines the programs to be evaluated and the evaluation criteria. The First Cycle required annual program evaluations and the Second Cycle required biennial program evaluations. This is not intended to address a curriculum evaluation.

COMMENT: Four (4) comments were received regarding Indicator 8.3.5 requiring districts to report dropouts to the Hotline as required by statute. All believed this reporting requirement is located under an inappropriate standard.
RESPONSE: The State Board declines to make a change to the Integrated Standards and Indicators incorporated by reference. It is a statutory requirement.

COMMENT: Two (2) responses were received regarding Standard 8.5 dealing with the community providing "sufficient financial resources to ensure" quality programs.

- What does the term "sufficient" mean?
- Consider assessing financial support for educational programs and expected level of achievement on the MAP.

RESPONSE: This standard is a carry over from the Second Cycle and has generally been used to address the issues of poor financial administration and whether the community is providing adequate financial support for programs and services. The term "sufficient" is defined by the Indicators.

COMMENT: Two (2) comments were received regarding Indicator 8.6.1.

- "The district did not end the fiscal year with a negative balance in any fund during the last two years" should be extended to a longer period.
- The phrase "sufficient balance" is unclear.

RESPONSE: It is unnecessary to look for negative balances beyond the preceding and second preceding fiscal years. Any problems prior to that period will have likely been corrected. The term "sufficient balance" is defined by the Indicators.

COMMENT: Three (3) comments were received regarding Indicator 8.2.1 structuring the requirements of the Comprehensive School Improvement Plan (CSIP).

- Change the phrase aimed at asking a district with multiple buildings at given grade levels from "provide assistance in developing building-level school improvement plans..." by inserting "and implementing" between the words development and building level.
- As outlined the CSIP will be massive with too many goals/objectives.
- It is an unreasonable requirement for large districts.

RESPONSE AND EXPLANATION OF CHANGE: This indicator is a carry over from the Second Cycle. The Department specifically encourages that districts identify a small number of improvement objectives. It is not expected the CSIP be a massive document. The State Board of Education has decided to change the wording in the Integrated Standards and Indicators incorporated by reference by inserting and implementing. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Indicator 8.2.2 should specify that community also includes student and teachers.
RESPONSE: The term "community" would include all representive populations.

COMMENT: Two (2) comments have been received regarding Standard 8.7 dealing with parental involvement in schools.

- Staff should be added to the list of who have an opportunity to discuss concerns...
- MSIP requires that districts have certain required committees. Districts alone should determine which committees to establish.

RESPONSE AND EXPLANATION OF CHANGE: Committees are optional unless required by rule, law, or grants applications. The State Board of Education has decided to change the Integrated Standards and Indicators incorporated by reference by inserting the word staff. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Standards and Indicators 6.1.1, 6.2.2, 6.4.1, 6.2.3, 6.4.4, 6.5.3, 6.8.1, 6.8.3, 7.3 and 8.1.2 are all unfunded mandates and 7.1.2, 9.1.3, 9.1.4, 9.2, 1.3, 7.3 and 9.4 create barriers without raising standards.
RESPONSE: The State Board declines to make a change to the Integrated Standards and Indicators incorporated by reference.

COMMENT: Indicators 6.7.5, 6.8.3, 8.1.2 and 8.11.1 will require much effort to comply because they increase evaluation responsibilities.
RESPONSE: The State Board declines to make a change to the Integrated Standards and Indicators incorporated by reference.

COMMENT: Three (3) comments suggested that the definition of "approved vocational courses" should be expanded to include other non-vocational-funded programs and classes that prepare students for the world of work.
RESPONSE AND EXPLANATION OF CHANGE: The State Board has decided to change Indicator 9.4.2 of the Integrated Standards and Indicators incorporated by reference by replacing "approved" with the word designated. There are current discussions to allow more vocational courses to be considered. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Differentiated Instruction and Supplemental Program should be incorporated into other relevant standard/indicators. Maintaining a separate section of the Standards and Indicators for special populations tends to communicate the message that exclusion is okay.
RESPONSE: The State Board declines to make a change to the Integrated Standards and Indicators incorporated by reference. While it is an excellent idea, in fairness to the first year Third Cycle school districts, the Report Writing Form and Procedures Manual must be shared very soon so districts may begin preparations for their Review. The Department will continue discussions on this issue and consider the integration of the Differentiation Standards in the Fourth Cycle.

COMMENT: Twenty-four (24) comments were received regarding Standard 9.1.

- The scoring guide should be consistent with research to allow three (3) to five (5) years to see gains on the MAP.
- Mobility needs to be considered. It is unreasonable to hold districts responsible for students who have not been in the district long enough for programs to have an impact (four comments).
- Assess cohort groups for MSIP purposes.
- Districts with low socio-economic student populations should not be required to meet the same standards as high socio-economic student populations (two comments).
- Look at more than one measure of general achievement.
- The MAP has no relationship to higher education.
- Indicator 9.1.1 should delete the word "combined" in connection with improvement in the bottom two and the top two level on the MAP. The wording prohibits consideration of other, possibly better ways to measure improvement.
- The 10% level Not Determined is reasonable (two comments).
- Sub-population disaggregation should not be a separate indicator.
- Give bonus points for closing the gap between racial/ethnic minorities and the majority (three comments).
- The floor requirement should be eliminated on the MAP bottom two levels.
- Requiring districts to close the gap between racial/ethnic minority that has 20 students seems to discriminate against the non-minority population. A percentage would be better.
- The current configuration of the indicators will require the scores of sub-populations to be counted for or against the district more than once (LEP, Special Education, gender, migrant, etc.).
- Districts lack the resources to see that all sub-populations are achieving at a high level.
- Extend the MAP exemption period for LEP students beyond the one-year.
- According to research, expecting LEP students to make equal or greater gains on the MAP may not be possible.
- It is unclear in Indicator 9.1.3 what "same grade level" means.
- It is a mistake to compare the MAP results of one population to another population's scores. There is a risk that such a comparison "will prove divisive and demeaning." The current standard lists only a few of the groups to be compared. Should it not be all?
- Special education should be measured with the whole population in a school.
- Make Indicators 9.1.3, 9.1.4 and 9.1.5 all bonus points on Indicator 9.1.1.
- Measure special education student progress by giving the MAP at their functional level rather than their current grade level.
- The phrase in 9.1.3 "or any other student populations which have been traditionally considered educationally disadvantaged…" is ambiguous (two comments).
- We should not have to be accountable for test results for our students who receive special education services from the Special School District.

RESPONSE AND EXPLANATION OF CHANGE: Many of the comments dealt with other components of the Missouri School Improvement Program and procedures that are not related to this rule or the Integrated Standards and Indicators incorporated by reference. Those issues will be addressed in other components. Based upon the comments the State Board of Education has decided to change the wording for K-12 Standard/Indicators 9.1.1, 9.1.3 and 9.1.4, as well as, K-8 Standards and Indicators 9.1.1, 9.1.3 and 9.1.4 of the Integrated Standards and Indicators incorporated by reference. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Two (2) comments were received regarding Indicator 9.2 MAP Reading.

- MSIP reading score is inhibited because of the impact of the normed referenced Terra Nova items in the MAP.
- Standard 9.2 refers to "reading ability" and the MAP does not measure ability but measures achievement.

RESPONSE AND EXPLANATION OF CHANGE: The MAP does not use the norming components of the Terra Nova when the benchmarks are set. Based upon the comments the State Board of Education has decided to insert achievement for the word ability in the Integrated Standards and Indicators incorporated by reference. The change in the Standards and Indicators have been made and reprinted for clarity.

COMMENT: Six (6) comments were received regarding Standard 9.4.

- Combine 9.4.1 and 9.4.2.
- Expand the courses that are counted as vocational courses.

- Districts who send high percentages of students to college cannot meet the vocational preparation and placement requirements.
- Drop the vocational Indicators 9.4.2 and 9.4.4.
- Waive districts from 9.4.2 if they have a high percent of students in 9.4.3.
- Combine 9.4.1 and 9.4.3 as well as 9.4.2 and 9.4.4.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees that clarification is needed. A note of explanation has been added to the Integrated Standards and Indicators incorporated by reference that address these concerns.

COMMENT: Two (2) comments were received regarding Standard 10.1.

- Allow as acceptable a dropout rate below the state average.
- Districts should only be expected to meet attendance or dropout, not both.

RESPONSE: The State Board declines to make a change to the Integrated Standards and Indicators incorporated by reference.

COMMENT: Many comments were received from attendees of the K-8 District Conference in addition to three (3) written comments regarding Standard 11.1.

- Holding K-8 districts accountable for students who drop out in the 9th or 10th grade is unfair. K-8 districts cannot control what receiving high schools do to discourage or encourage students to stay in school.
- K-8 districts attendance should be judged the same as K-12 districts. K-12 districts are 94% and K-8 must meet 95%.
- Comparison of K-8 students GPA to the students in the receiving high school seems unjustified. There are problems getting the data from receiving high schools.

RESPONSE AND EXPLANATION OF CHANGE: The second and third comment will be addressed in other components of the Program not a part of the Integrated Standards and Indicators incorporated by reference. Based upon the comments the State Board of Education has decided to change Standard 10.1 by deleting Indicator 1 and the wording of the Standard by replacing "Educational Persistence" with Attendance. The change in the Standards and Indicators have been made and reprinted for clarity.

5 CSR 30-345.010 General Provisions

(2) During each year, the Department of Elementary and Secondary Education will select school districts which will be reviewed and classified in accordance with this rule**,** including the standards with the appropriate scoring guide and forms and procedures outlined in the annual Missouri School Improvement Program procedures manual.

REVISED PUBLIC COST: The fiscal impact in the proposed amendment has been revised to reflect data received during implementation of the 2nd five-year cycle of the Missouri School Improvement Program (MSIP). Public entity costs for public school districts are based upon estimates of the cost of local district staff participation. Public entity costs for the Department of Elementary and Secondary Education are based upon a sample data from MSIP reviews during the 2nd five-year cycle. The revised fiscal impact reflects an annual cost of $311,244 annual over the life of the rule for public elementary and secondary school districts and an annual cost of $220,538 over the life of the rule of the Department of Elementary and Secondary Education, with the aggregate annual cost estimated to be $531,782 over the life of the rule.

REVISED FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 5 – Department of Elementary and Secondary Education

Division: 30 – School Services

Chapter: 345 – Missouri School Improvement Program

Type of Rulemaking: Final Order

Rule Number and Name: 5 CSR 30-345.010 General Provisions

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public Elementary and Secondary School Districts	$311,244 per year for the life of the rule.
Department of Elementary and Secondary Education	$220,538 per year for the life of the rule.

NOTE: This fiscal note states the cost of complying with the Missouri School Improvement Program (MSIP) under the current rule. The department does not anticipate an increase in the cost of implementing the MSIP resulting from these amendments, in fact, a reduction in costs at both the district and state levels may result from the consolidation of MSIP standards and the anticipated granting of MSIP waivers to approximately 20% of the school districts annually.

III. WORKSHEET

For the purposes of this fiscal note, districts are classified into four categories based upon student population and staff size. Public entity cost for public school district is based upon estimates of district staff participation. The number of visits is estimated over the five-year MSIP 3rd cycle, taking into consideration staff interviews and document preparation.

District Category Size	Visits	Team Size	District Cost	Cycle Cost
1	2	60	$13,320.00	$2,664.00
2	3	30	$6,660.00	$19,980.00
3	60	15	$3,330.00	$199,800.00
4	40	10	$2,220.00	$88,800.00
				$311,244.00

IV. ASSUMPTIONS

This rule establishes standards for the Missouri School Improvement Program (MSIP), which is a program that promotes school improvement and provides accreditation ratings for Missouri schools implemented by the Department of Elementary and Secondary Education (DESE). It is applicable to public school districts. The standards and indicators of MSIP fall within three major areas: resource, process and performance. Information about each school district related to these standards is taken from existing data which each school district submits to DESE each school year. The Missouri School Improvement Program review requires the time and attention of many within a school district. Time and resources required to prepare for and go through the review process will vary greatly from district to district. This cost may be reduced if the district is granted a waiver under 5 CSR 30-345.020.

State agency costs are based upon a sample of MSIP reviews conducted during the MSIP 2nd Cycle, including cost reimbursements for field staff from school districts, department team members, team leaders and consultants, (including mileage, food and lodging). Based upon this sample, average costs are estimated at $2,137 per review, with annual costs based upon the anticipated number of reviews per year during the 3rd Cycle.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 50—Division of Instruction
Chapter 340—Supervision of Instruction

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.041, 161.092, 167.131, and 171.031, RSMo 1994, and 163.021, RSMo Supp. 1999, the board rescinds a rule as follows:

5 CSR 50-340.010 Classification and Accreditation of Public School Districts **is rescinded**.

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on March 1, 2000 (25 MoReg 533). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication of the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional Conduct and Investigations

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

5 CSR 80-800.400 Procedure for Potential Candidates for Missouri Certificate of License to Teach with a Criminal History to Petition the State Board of Education for Background Clearance **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2000 (25 MoReg 533–535). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 367). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting changes to the definitions for comparable services and statewide government agency.
RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has decided to change section (1) and has decided to make no changes to section (2) as the definition is used in other rules. Section (1) is reprinted for clarity.

5 CSR 90-4.100 Definitions

(1) Comparable Services. Services available under any other program (other than a program carried out under this title) which contributes to the achievement of the individual's rehabilitation goal.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.110 Confidentiality and Release of Information **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 367). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.120 Minimum Standards for Service Providers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 368). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: A citizen submitted a letter of comment suggesting the elimination of the accreditation requirement for service providers and suggesting that the Department of Elementary and Secondary Education assume direct oversight of the rehabilitation facilities.
RESPONSE: The State Board of Education has carefully considered the comment and notes that the proposed rule is more cost effective. Therefore, the State Board has decided that there is no cause for a change to its proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.200 Eligibility **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 368–369). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting that no individual diagnosed with drug and/or alcohol dependence can be denied eligibility, however that individual could be denied services. In addition, Missouri Protection and Advocacy comments that individuals with visual disabilities generally are referred to Missouri Rehabilitation Services for the Blind (RSB), however, the rule should contain some exceptions for client choice.
RESPONSE: The State Board of Education has carefully considered the comments and would point out that in order for an individual to benefit from an employment outcome they must be in or have completed a drug or alcohol treatment program. Furthermore, state statute provides that the Missouri Rehabilitation Services for the Blind provides services to individuals with visual disabilities. The State Board has decided that there is no cause for a change to its proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.300 Order of Selection for Services **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 370). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.400 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 370–371). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment pointing out a typographical error in sections (1) and (3) and suggesting clarification to section (4) to include "unless the eligible individual or their representative has agreed in writing to a suspension, reduction or termination of services."
RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has decided to change sections (1), (3) and (4). Sections (1), (3) and (4) are reprinted here for clarity.

5 CSR 90-4.400 Appeals

(1) When an applicant or eligible individual signs an application, is determined ineligible for services, the Individualized Plan for Employment (IPE) is developed or executed, or upon reduction, suspension, or cessation of vocational rehabilitation services, the applicant or eligible client will be apprised of their rights to a due process hearing and/or mediation.

(3) When an applicant or eligible individual is dissatisfied with any determination made by DVR regarding the provision of services, the applicant or eligible individual will be given information about the Client Assistance Program.

(4) Division of Vocational Rehabilitation will not suspend, reduce, or terminate services provided to an eligible client under an existing IPE pending a decision from informal review, due process hearing or written mediation agreement, unless the eligible individual or their representative requests in writing that services be suspended, reduced or terminated.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.410 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 371). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting that both parties must agree to the time extension rather than one party requesting a time extension.
RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education agrees and has decided to change sections (4) and (5). Sections (4) and (5) are reprinted here for clarity.

5 CSR 90-4.410 Informal Review

(4) If the informal review is not successful, a formal due process hearing will be conducted within forty-five (45) days from the applicant or eligible individual's written request for informal review unless both parties agree to a specified time extension.

(5) The applicant or eligible individual will be informed of the results of their informal review in writing and the right to a due process hearing or mediation.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.420 Due Process Hearing **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 371–373). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting changes to whom the request for a hearing should be made.
RESPONSE: The State Board of Education has carefully considered the comment and has decided that there is no cause for a change to its proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-4.430 Mediation **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 374–375). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting changes to whom the request for mediation should be made.
RESPONSE: The State Board of Education has carefully considered the comment and has decided that there is no cause for a change to its proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-5.400 Services **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 376–378). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting the rule be changed to include that "[t]he individual and counselor work together to obtain prices from two venders, including the consumer's preference of vendors whenever possible."
RESPONSE: The State Board of Education has carefully considered the comment and has decided that there is no cause for a change to its proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-5.410 Fees **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 379). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule

becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-5.420 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 379–381). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment and noted a clerical error.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting changes to the proposed rule so as not to place an absolute limit on the payment for maintenance and transportation services.
RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has decided to change subsections (1)(A) and section (2). Subsections (1)(A) and (B) and section (2) are reprinted here for clarity.

5 CSR 90-5.420 Maintenance and Transportation

(1) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals regardless of financial need:

(A) Maintenance when required to enable the applicant or eligible individual to participate in diagnostic evaluation/services; and/or

(B) Transportation when required to enable an applicant or eligible individual to participate in diagnostic evaluation/services.

(2) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need. Exceptions may be made if the individual will suffer economic hardship.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-5.430 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 382–383). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment noting a clerical change.
RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has decided to change paragraph (1)(D)2. Paragraphs (1)(D)1. and 2. are reprinted here for clarity.

5 CSR 90-5.430 Physical and Mental Restoration

(1) The following physical and/or mental restoration services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need:

(D) Individuals with mental illness may be referred to the Missouri Department of Mental Health or other mental health providers as a comparable service. Psychotherapy services may be authorized when required for the eligible individual to begin or continue a rehabilitation plan under the following conditions:

1. The need for psychotherapy is clearly related to the expected employment outcome and recommended by a Missouri licensed psychiatrist or psychologist;

2. An Individualized Plan for Employment (IPE) must have been developed or be in the process of development to provide services leading to the attainment of the vocational goal;

3. The eligible individual meets DVR's financial need guidelines;

4. The provider must be a Missouri licensed psychiatrist, psychologist, clinical social worker or professional counselor. The provider must possess a valid, unencumbered, unrestricted and undisciplined Missouri license; and

5. Psychotherapy may be authorized for a period up to three (3) months. An additional three (3) months of therapy may be approved if the therapist feels that the consumer is making satisfactory progress that will lead to the attainment of the vocational goal specified on the IPE.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-5.440 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 384–386). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment and noted a clerical error.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting that academic scholarships or awards based upon merit should not be used to reduce the individual's participation in the education cost.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has carefully considered the Missouri Protection and Advocacy's comment and has decided that there is no cause for a change to its proposed rule. The State Board of Education, however, does make a clerical change to section (1). section (1) is reprinted here for clarity.

5 CSR 90-5.440 Training

(1) The following training services as defined in the federal act and/or applicable regulations, and 5 CSR 30-4.020 may be provided to eligible individuals based upon financial need:

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-5.450 Home Modification and/or remodeling **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 387–388). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: A citizen submitted a request for clarification of financial amounts in the fiscal note.
RESPONSE: The State Board of Education has reviewed the comment and decided that there is no cause for a change to its proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994, the board adopts a rule as follows:

5 CSR 90-5.460 Vehicle Modification **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 389–390). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one letter of comment.

COMMENT: The Missouri Protection and Advocacy submitted a letter of comment suggesting that an exception be written for the purchase of a vehicle when necessary for a client to pursue an employment outcome.
RESPONSE: The State Board of Education has carefully considered the comment and has decided that there is no cause for a change to its proposed rule.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 25—Fiscal Management
Chapter 4—Vendor Procedures

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under section 630.050, RSMo Supp. 1999, the director amends a rule as follows:

9 CSR 25-4.040 Recovery of Overpayments to Providers **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 641–643). No changes have been made in the text of the proposed amendment so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and Developmental Disabilities
Chapter 5—Standards

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under section 633.010, RSMo 1994, the director adopts a rule as follows:

9 CSR 45-5.040 Missouri Alliance for Individuals with Developmental Disabilities **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2000 (25 MoReg 644–648). No changes have been made in the text of the proposed rule so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-5.390 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on

February 1, 2000 (25 MoReg 264). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Air Pollution Control Program received one written comment from the P.D. George Company on this proposed amendment.

COMMENT: The P.D. George Company commented that the amendment as proposed is flawed and compliance would not be possible for companies that manufacture products in batch processes. The company suggested addressing this change in a different manner. They proposed adding language that would state that a surface condenser should be maintained at a set temperature when condensing volatile organic compounds of a set vapor pressure. This language was discussed in the settlement agreement that was signed by both P. D. George and the Missouri Department of Natural Resources (MDNR).
RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with the submitted comment and paragraph (4)(F)1. has been revised accordingly. This change does not effect the restrictions of the rule, it merely states them in a different manner. This change will not relax the intent of this paragraph.

10 CSR 10-5.390 Control of Emissions From Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products

(4) Operating Equipment and Operating Procedure Requirements.

(F) The polymerization of synthetic varnish or resin shall be done in a completely enclosed operation with the VOC emissions controlled by the use of surface condensers or equivalent controls.

1. If surface condensers are used, they must be maintained to ensure a ninety-five percent (95%) overall removal efficiency for total VOC emissions when condensing total VOC of a vapor pressure greater than 26 mmHg (as measured at 20 degrees Celsius).

2. If equivalent controls are used, the VOC emissions must be reduced by an amount equivalent to the reduction which would be achieved under paragraph (4)(F)1. Any owner or operator desiring to use equivalent controls to comply with this subsection shall submit proof of equivalency as part of the control plan required under subsection (5)(A) of this rule. Equivalent controls may not be used unless approved by the director.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission adopts a rule as follows:

10 CSR 10-6.400 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 391–392). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources (MDNR) received several comments on this proposed new rule. The comments were submitted by the City of Independence, Water Pollution Control Program; the U.S. Environmental Protection Agency (EPA); the St. Louis Regional Chamber and Growth Association Air Quality Committee; Associated Electric Cooperative, Inc. (AECI); and Regform. The comments were generally supportive of the rule consolidation but concerned with specific aspects of the new rule.

COMMENT: The City of Independence, Water Pollution Control Department commented on the addition of section (5) Test Methods into this new rule. It is their understanding that the existing rules that this new rule replaces do not contain provisions for test methods. They feel that the addition of test method provisions would not be considered a consolidation and would affect the cost statements of the rule. They also comment that the last sentence in this section is not complete and ambiguous. They suggest clarifying the statement—Any other method approved by the Director—by adding may be used.
RESPONSE AND EXPLANATION OF CHANGE: The four existing rules do, in fact, contain test methods. In 10 CSR 10-2.030, 10 CSR 10-3.050, and 10 CSR 10-4.030 the test methods are located in subsection (1)(C). In 10 CSR 10-5.050, the test methods are in subsection (1)(D). No new test methods were included in the new rule. The language was simply moved to section (5) in the new rule to be more consistent with the standard rule format used by the MDNR. The MDNR agreed that the statement—Any other method approved by the Director—could be unclear, and a change was made to the rule.

COMMENT: The EPA submitted several comments on this proposed rule. In subsection (1)(A), they recommended moving the exception for the burning of fuel for indirect heating to subsection (1)(B) to reduce confusion. In subsection (2)(C), the definition for a jobbing cupola in Springfield-Greene County area appears to be less stringent than for the remainder of the state. They recommended revising the definition to be consistent throughout the state. In subsection (3)(A), they recommended adding language such as shall meet the following requirements: after wet milling drying processes. In paragraph (3)(A)3., they recommended that language be added to require that gases leaving the abatement operation can only be used to demonstrate compliance with this rule, provided that there is an enforceable requirement to operate the air pollution abatement equipment. Subsection (3)(D) provides an exemption to the rule during periods when a new fire is being built, during the start-up of the operation, during an operation breakdown, or while air pollution control equipment is being cleaned or repaired. They believe these exemptions are too broad and should not be built into the rule. Section (4) states that reporting and record keeping are not applicable. They recommended minimally that records of the tests to determine the amount of particulate matter emitted be kept on-site and available for inspectors for five years. Section (5) states—Any other method approved by the director. The EPA would prefer that director discretion of alternative test methods be removed from the rule or revise the statement to read—Any other test method must be approved by the director.
RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with EPA's first comment and the statement—the burning of fuel for indirect heating—has been moved to subsection (1)(B) to reduce confusion. However, the language in subsection (2)(C) referring to the definition of a jobbing cupola has not been revised according to the second comment because those definitions are consistent with the four existing area specific rules and it falls out of the scope of this rulemaking to change that language. The published purpose of this rulemaking was to consolidate the four existing rules without changing or adding requirements. The MDNR agrees with the next comment and the language—shall meet the following requirements—has been added to subsection (3)(A). The comment on paragraph (3)(A)3. can not be addressed at this time, as it falls out of the scope of this rulemaking. It will be retained

for future revisions to the rule. The MDNR agrees with the subsection (3)(D) comment because these exemptions were not contained in all four existing rules. Therefore, these exemptions have been removed from section (3). In regards to the next comment about the reporting and record keeping requirements, the four existing area specific rules do not contain any reporting or record keeping provisions. Therefore, those provisions cannot be added to this rule under the scope of this rulemaking in order to maintain consistency with the original rules. The published purpose of this rulemaking was to consolidate the four existing rules without changing or adding requirements. The MDNR agrees with the last comment and section (5) has been revised accordingly.

COMMENT: The chair of the Air Quality Committee of the St. Louis Regional Chamber and Growth Association provided written comment and oral testimony at the public hearing on March 30, 2000. The comments concern the overlap between this rule and other more specific rules that control particulate matter and the fact that the rule has no clear exemption for fugitive emissions or small vented emissions. There is concern that these two issues create problems for permit writers, enforcement staff, and businesses. It was requested that language similar to the preamble be included in the rule text. It was also recommended that language be added that exempted emission sources also be exempt from construction permitting under 10 CSR 10-6.060(1)(D). He commented on the use of term total suspended particulates (TSP) in this rule instead of the criteria pollutant particulate matter—10 microns or less (PM_{10}). He felt that PM_{10} should be used in this rule since TSP is no longer listed as a criteria pollutant in Missouri.There were also comments on our rule scheduling because it is unduly confusing and creates overlap to have a new rule in place before the existing rules that are rescinded.

RESPONSE: This rulemaking is a consolidation of the four existing area specific rules and these comments do not fall under the scope of this rulemaking. The published purpose of this rulemaking was to consolidate the four existing rules without changing or adding requirements. No changes have been made to rule language as a result of this comment. However, the comments will be retained for consideration in future amendments to this rule. In respect to his comment about rule scheduling, the MDNR understands that at times there are rules that overlap. However, in order to ensure that a rule is in place at all times and not relax our state implementation plan, the MDNR must wait until the new rule is effective before proceeding with the rescission of the existing rules. If a new rule was voided while the rescission progressed, there would not be a rule in place and cause a relaxation of our state implementation plan.

COMMENT: AECI provided written comments on this rule that mostly concerned applicability of this rule. AECI believe that the applicability section does not fully explain the intended regulatory application of this rule to certain processes. AECI included language that they felt would be helpful in clarifying the intent of this rule. The second comment suggested that language be added to the rule to exempt control devices or equipment associated with any operation, process, or activity from this rule. They request that language be added to exempt the grinding, crushing, and conveying operations at a power plant from the rule. Final comments concerned the original language and interpretation of the rule. They request that the original language be accessible or published with this rule for clarification.

RESPONSE: This rulemaking is a consolidation of the four existing area specific rules: 10 CSR 10-2.030, 10 CSR 10-3.050, 10 CSR 10-4.030, and 10 CSR 10-5.050. These comments do not fall under the scope of this rulemaking. The published purpose of this rulemaking was to consolidate the four existing rules without changing or adding requirements. No changes have been made to rule language as a result of this comment. However, the comments will be retained for consideration in future amendments to this rule.

COMMENT: Regform commented on the overlap between this rule and other more specific rules that control particulate matter. They request that language similar to the preamble be included in the rule text. There is also concern that the rule has no clear exemption for fugitive emissions or small vented emissions and they recommend adding language to that effect. There was also comment on the use of the term TSP in this rule instead of the criteria pollutant PM_{10}. It is felt that PM_{10} should be used in this rule since TSP is no longer listed as a criteria pollutant in Missouri. Comments on rule scheduling expressed the inconvenience of having overlap with a new rule in place before the existing rules that are rescinded.

RESPONSE: This rulemaking is a consolidation of these four existing area specific rules: 10 CSR 10-2.030, 10 CSR 10-3.050, 10 CSR 10-4.030, and 10 CSR 10-5.050. These comments do not fall under the scope of this rulemaking. The published purpose of this rulemaking was to consolidate the four existing rules without changing or adding requirements. No changes have been made to rule language as a result of this comment. However, the comments will be retained for consideration in future amendments to this rule.

10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes

(1) Applicability.

(A) This regulation applies to any operation, process or activity, in which the products of combustion do not come into direct contact with process materials, the burning of refuse, and the processing of salvageable material by burning.

(B) The provisions of this rule shall not apply to the following:

1. Cotton gins;

2. The grinding, crushing and classifying operations at a rock quarry;

3. The receiving and shipping of whole grain from or into a railroad or truck transportation source at a grain elevator;

4. Smoke generating devices, as defined in subsection (2)(D) of this rule, when a required permit or a written determination that a permit is not required has been issued or written;

5. Batch-type charcoal kilns required to comply with 10 CSR 10-6.330; and

6. The burning of fuel for indirect heating.

(3) General Provisions.

(A) Emission Limitations. All applicable sources, except grey iron jobbing cupolas and corn wet milling drying processes, shall meet the following requirements:

1. Except as provided for in paragraph (3)(A)2. and paragraph (1)(B) of this rule, no person shall cause, suffer, allow or permit the emission of particulate matter in any one (1) hour from any source in excess of the amount calculated using the following equation for the process weight allocated to that source:

For process weight rates of 60,000 pounds per hour (lb/hr) or less:

$$E = 4.10P^{0.67}$$

and for process weight rates greater than 60,000 lb/hr:

$$E = 55.0P^{0.11} - 40;$$

where:

E = rate of emission in lb/hr; and

P = process weight rate in tons per hour (tons/hr); or

2. The limitations established by paragraph (3)(A)1. of this rule shall not require the reduction of particulate matter concentration, based on the source gas volume, below the concentration specified in paragraph (3)(A)2., Table I of this rule for that volume; provided that, for the purposes of this section, the person responsible for the emission may elect to substitute a volume determined according to the provisions of subsection (3)(A)3. of this rule; and provided further that the burden of showing the source gas volume or other volume substituted, including all the factors which determine volume and the methods of determining and computing the volume shall be on the person seeking to comply with the provisions of this section.

Table I

Source Gas Volume, Standard Cubic Foot Per Minute	Concentration Grain Per Cubic Foot
7,000 or less	0.100
8,000	0.096
9,000	0.092
10,000	0.089
20,000	0.071
30,000	0.062
40,000	0.057
50,000	0.053
60,000	0.050
80,000	0.045
100,000	0.042
120,000	0.040
140,000	0.038
160,000	0.036
180,000	0.035
200,000	0.034
300,000	0.030
400,000	0.027
500,000	0.025
600,000	0.024
800,000	0.021
1,000,000 or more	0.020; or

3. Any volume of gases passing through and leaving an air pollution abatement operation may be substituted for the source gas volume of the emission unit served by the air pollution abatement operation, for the purposes of paragraph (3)(A)2. of this rule, provided that air pollution abatement operation emits no more than forty percent (40%) of the weight of particulate matter entering; and provided further that the substituted volume shall be corrected to standard conditions and to a moisture content no greater than that of any gas stream entering the air pollution abatement operation; and

4. Notwithstanding the provisions of paragraphs (3)(A)1. and (3)(A)2. of this rule, no person shall cause, allow or permit the emission of particulate matter from any source in a concentration in excess of 0.30 grain per standard cubic foot of exhaust gases.

(5) Test Methods. The amount of particulate matter emitted shall be determined as specified in 10 CSR 10-6.030(5). Any other test method must be approved by the director.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 2—Definitions

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-2.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 147–148). Subsection (2)(G) is reprinted here. All other changes are adopted as proposed. This proposed amendment becomes effective **September 1, 2000**.

SUMMARY OF COMMENTS: At the public hearing on February 22, 2000 the department testified that the amendment adopts requirements from the federal Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection By-Products Rule. No public comments were made at the hearing. One written comment was received.

COMMENT: A representative of a water industry organization recommended adding the acronym "GWUDISW" to the definition of groundwater under the direct influence of surface water in paragraph (2)(G)4.
RESPONSE AND EXPLANATION OF CHANGE The commission agreed with making this change and is also adding the word "direct" to that subparagraph (2)(G)4.B.

10 CSR 60-2.015 Definitions

(2) Definitions.

(G) Terms beginning with the letter G.

1. GAC10. Granular activated carbon filter beds with an empty-bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one hundred eighty (180) days.

2. Gross alpha particle activity. The total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

3. Gross beta particle activity. The total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

4. Groundwater under the direct influence of surface water (GWUDISW). Any water beneath the surface of the ground with either of the following:

A. Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the department. The department's determination of direct influence may be used on site-specific measurements of water quality or documentation of well construction characteristics, or both, and geology with field evaluation; or

B. Significant occurrence of insects or other macroorganisms, algae or large-diameter pathogens such as *Giardia lamblia* or, for systems using surface water or groundwater under the direct influence of surface water and serving at least 10,000 people, *Cryptosporidium*.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-4.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 148–151). Subsections (7)(B)–(D) are reprinted below. All other changes are adopted as proposed. This proposed amendment becomes effective **September 1, 2000**.

SUMMARY OF COMMENTS: At the public hearing on February 22, 2000 the department testified that the amendment adopts requirements from the federal Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection By-Products Rule and proposes criteria for determining significant deficiencies. No public comments were made at the hearing. Written comments were received from representatives of a water industry organization and two public water supply districts.

COMMENT: The representative of a water industry organization pointed out a typographical error in subsection (7)(A).
RESPONSE: Review of the published version of the amendment shows that the error was corrected before publication and no change is needed in response to the comment.

COMMENT: The commenter questioned the use of "public water system" instead of community water system in subsection (7)(B) and recommended defining the terms.
RESPONSE AND EXPLANATION OF CHANGE: The terms "public water system" and "community water system" are used correctly. Both terms are defined in the definitions rule, 10 CSR 60-2.015. Public water systems, both community and noncommunity, using surface water or groundwater under the direct influence of surface water must meet the requirements of subsection (7)(B). Community water systems may have less frequent sanitary surveys under the conditions specified in the rule. The commission is dividing subsection (7)(B) to separate the community water system waiver from the requirements applicable to public water systems.

COMMENT: Representatives of a water industry organization and a public water supply district commented on the description of significant deficiencies in subsection (7)(B). One commenter stated the description is vague and too subjective and the rule should include the specific sanitary survey criteria that will be used to identify significant deficiencies. Another commenter asked if significant deficiencies will be determined from scientific data or subjective observation.
RESPONSE: The commission considered the comments and responded that this definition of significant deficiency resulted from stakeholder meetings and discussions. Stakeholders agreed on the proposed definition which emphasizes immediate increased human health risk from water contamination rather than an itemized list of any potential deficiencies, which could be limitless. Significant deficiencies will be determined by the best professional judgement of the person conducting the sanitary survey. Particular attention will be paid to anything that could put citizens at increased risk from pathogens or chemical contaminants.

COMMENT: The representative of a public water supply district commented that the last sentence of subsection (7)(C) regarding water systems that are incompetently supervised, improperly operated, inadequate, or of defective design gives the department too much discretion and that those areas covered in the technical, managerial and financial capacity requirements. The commenter recommends rewording the sentence to state: "If the water fails to meet standards established in 10 CSR 60, the water supplier must implement changes that may be required by the department."
RESPONSE: This requirement does not add to the department's existing discretion or authority. This requirement is currently in effect in 10 CSR 60-4.080. It has been copied to this rule for clarity. No changes are made in response to the comment.

10 CSR 60-4.010 Maximum Contaminant Levels and Monitoring Requirements

(7) Inspections and Sanitary Surveys of Surface Water Systems.

(B) For community water systems determined by the department to have no significant deficiencies (for example, defects or inadequacies that increase risk from waterborne disease, such as deficiencies involving the removal, inactivation or reintroduction of pathogens or prevention or removal of chemical contamination) in two (2) consecutive sanitary surveys, the frequency of sanitary surveys may be decreased to once every five (5) years. Upon finding a significant deficiency, the department may return the community water system to the three (3)-year schedule.

(C) Public water systems must respond in writing to significant deficiencies outlined in sanitary survey reports no later than forty-five (45) days after receipt of the report. The response must indicate how and on what schedule the system will address significant deficiencies noted in the survey. Failure to respond within forty-five (45) days is a violation. Public water systems shall take necessary steps to address significant deficiencies identified in sanitary survey reports if such deficiencies are within the control of the public water system and its governing body.

(D) The department, at its discretion, may conduct routine inspections of any public water system or make other necessary inspections to determine compliance with these rules. If, after investigation, the department finds that any public water system is incompetently supervised, improperly operated, inadequate, of defective design or if the water fails to meet standards established in 10 CSR 60, the water supplier must implement changes that may be required by the department.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-4.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 152–155). Subsections (1)(C), (3)(A), (3)(B) and (3)(E)–(G) are reprinted here. All other changes are adopted as proposed. This proposed amendment becomes effective **September 1, 2000**.

SUMMARY OF COMMENTS: At the public hearing on February 22, 2000 the department testified that the amendment adopts requirements from the federal Interim Enhanced Surface Water Treatment Rule (IESWTR) and Disinfectants/Disinfection By-Products Rule (DBP), requires new and modified treatment plants to be designed to meet the new turbidity requirements, and encourages small surface water systems to strive to meet the new turbidity standards. No public comments were made at the hearing. Written comments were received from representatives of two water industry organizations and two public water systems.

COMMENT: The representative of a public water system asked for the scientific basis the department and the Environmental Protection Agency (EPA) used to determine the baseline for these proposed rules.
RESPONSE: EPA has provided extensive information on the scientific basis for the DBP and IESWTR. This information was published in the July 29, 1994, November 3, 1997, March 31, 1998 and December 16, 1998 *Federal Registers*. The department is providing a copy of this information to the commenter. The state rule is based on the federal rule. No changes to the rule were requested or made.

COMMENT: The representatives of a water industry organization and a public water system commented on the requirement in subsection (3)(E) that systems using lime softening may apply for alternative exceedance levels if they can demonstrate that higher turbidity levels are due to lime carryover only and not degraded filter performance. The commenters asked for the department's criteria for satisfying this demonstration requirement, and asked if a system's demonstration would be permanent or only for a specified time period.
RESPONSE: This requirement currently affects less than six surface water systems. The department plans on working with those systems to come up with acceptable criteria. The department anticipates that the alternative exceedence criteria will be for a specified time period or per event. No change is made to the rule in response to this comment.

COMMENT: The representative of a water industry organization commented on paragraph (6)(D)2. of 10 CSR 60-4.055, which is being moved to this rule as subsection (3)(E) in order to have all turbidity requirements in one location. The commenter stated that it sometimes is difficult to receive replacement parts or new equipment in the five-day time frame allowed in the rule. The commenter suggests changing five working days to 15 working days.
RESPONSE AND EXPLANATION OF CHANGE: This requirement applies only to surface water systems serving more than 10,000 people. The federal rule is clear that the systems affected by this requirement have a maximum of five working days after the failure of continuous monitoring equipment to repair or replace the continuous monitoring equipment. The state rule must be at least as stringent as the federal rule, so increasing this time frame is not an option. However, these larger systems should have backup parts and turbidimeters available. It may be more difficult for small surface water systems to obtain replacement parts within the five-day time frame, but this requirement does not apply to those systems. In order to ensure that it is clear that this applies only to surface water systems serving more than 10,000 people and that the five-day requirement must be met, the commission is revising the wording of this requirement. This does not change the intent of the proposed rule.

COMMENT: The representative of a water industry organization asked if paragraph (3)(F)2. stating that the department will set turbidity performance standards means that the department can set turbidity standards at whatever level the department deems necessary.
RESPONSE: For alternative filtration technology the department will set turbidity performance requirements. These requirements will require the same level of protection as conventional treatment, which is 2-, 3-, and 4-log removal for *Cryptosporidium*, *Giardia* and viruses, respectively. No change is made to the rule in response to this comment.

EXPLANATION OF OTHER CHANGES: The commission is replacing the phrase "effective date of this amendment" with the actual effective date of the amendment, September 1, 2000, in subsection (1)(C) and making a technical correction to the compliance dates in subsections (3)(A) and (3)(B) to match the federal dates. Subsection (6)(D) in 10 CSR 60-4.055 is moved to subsection (3)(E) of this rule in order to have all turbidity monitoring requirements in one section. The subsequent subsections are renumbered accordingly. The requirements are not changed.

10 CSR 60-4.050 Maximum Turbidity Contaminant Levels and Monitoring Requirements

(1) Applicability.

(C) Beginning September 1, 2000, any water treatment plant proposed for construction or major modification must be designed to meet the turbidity requirements in section (3) of this rule.

(3) Systems Serving Ten Thousand (10,000) or More People.

(A) The turbidity levels and other requirements in section (2) apply to these systems until January 1, 2002.

(B) Beginning January 1, 2002—

1. Turbidity must be equal to or less than 0.3 turbidity units in at least ninety-five percent (95%) of the measurements taken each month; and

2. There must be no more than one (1) turbidity unit in any one (1) confirmed measurement.

(E) Filtration Sampling Requirements for Surface Water Systems Serving More Than 10,000 People.

1. A public water system subject to the requirements of 10 CSR 60-4.055(6) that provides conventional filtration treatment must conduct continuous monitoring of turbidity for each individual filter using an approved method in 10 CSR 60-5.010 and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes.

2. If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four (4) hours in lieu of continuous monitoring, until the turbidimeter is repaired and back on-line. A system has a maximum of five (5) working days after failure in the continuous monitoring equipment to repair the equipment before the system is in violation.

(F) Lime Softening.

1. A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the department.

2. Systems that use lime softening may apply to the department for alternative exceedance levels for the levels specified in 10 CSR 60-7.010(7)(B) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

(G) Filtration Technologies Other Than Conventional Filtration Treatment.

1. A public water system may use a filtration technology other than conventional filtration if it demonstrates to the department, using pilot plant studies or other means, that the alternative filtration technology, including direct filtration, in combination with disinfection treatment that meets the requirements of 10 CSR 60-4.055, consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent removal and/or inactivation of viruses, and 99 percent removal of *Cryptosporidium* oocysts, and the department approves the use of the filtration technology.

2. For each approval, the department will set turbidity performance requirements that the system must meet at least 95 percent of the time and that the system may not exceed at any time at a level that consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts, 99.99 percent removal or inactivation of viruses, or both, and 99 percent removal of *Cryptosporidium* oocysts.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-4.055 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 156–160). Subsections (6)(A)–(D)

are reprinted here and all other changes are adopted as proposed. This proposed amendment becomes effective **September 1, 2000**.

SUMMARY OF COMMENTS: At the public hearing on February 22, 2000 the department testified that the amendment adopts requirements from the federal Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection By-Products Rule and requires new and modified treatment plants to determine disinfection contact times and submit them to the department before getting final construction approval. No public comments were made at the hearing. Written comments were received from representatives of two water industry organizations and a public water system.

COMMENT: The representative of a public water system asked for the scientific basis the department and the Environmental Protection Agency (EPA) used to determine the baseline for these proposed rules.

RESPONSE: EPA has provided extensive information on the scientific basis for the DBP and IESWTR. This information was published in the July 29, 1994, November 3, 1997, March 31, 1998 and December 16, 1998 *Federal Registers*. The department is providing a copy of this information to the commenter. The state rule is based on the federal rule. No changes to the rule were requested or made.

COMMENT: The representative of a water industry organization recommended adding the word "direct" to the purpose statement. The commenter also pointed out typographical errors in paragraph (6)(B)1. and item (6)(C)3.B.(I) and suggested that the word "benchmark" in subparagraph (6)(B)1.B. should be "benchmarking."

RESPONSE AND EXPLANATION OF CHANGE: Review of the published version of the amendment shows that the errors were corrected before publication and no changes are needed in response to the comment. The purpose statement is published one time only with the proposed amendment in the *Missouri Register*. The commission agrees with changing benchmark to benchmarking. Subparagraph (6)(B)1.B. is modified accordingly.

COMMENT: The representative of a water industry organization commented on paragraph (6)(D)2., which is being moved to 10 CSR 60-4.050 in order to have all turbidity requirements in one location. The commenter stated that it sometimes is difficult to receive replacement parts or new equipment in the five-day time frame allowed in the rule. The commenter suggests changing five working days to 15 working days.

RESPONSE AND EXPLANATION OF CHANGE: This requirement applies only to surface water systems serving more than 10,000 people. The federal rule is clear that the systems affected by this requirement have a maximum of five working days after the failure of continuous monitoring equipment to repair or replace the continuous monitoring equipment. The state rule must be at least as stringent as the federal rule, so increasing this time frame is not an option. However, these larger systems should have backup parts and turbidimeters available. It may be more difficult for small surface water systems to obtain replacement parts within the five day time frame, but this requirement does not apply to those systems.

In order to ensure that it is clear that this applies only to surface water systems serving more than 10,000 people and that the five day requirement must be met, the commission is revising the wording of this requirement. This does not change the intent of the proposed rule. The revised wording is published in the Order of Rulemaking for 10 CSR 60-4.050 in this issue of the *Missouri Register*.

EXPLANATION OF OTHER CHANGES: The commission is making a technical correction to the compliance dates in subsections (6)(A) and (6)(C) to match the federal dates.

10 CSR 60-4.055 Disinfection Requirements

(6) Enhanced Disinfection Requirements.

(A) Compliance Date. In addition to sections (1)–(4) of this rule, surface water and groundwater under the direct influence of surface water systems serving at least ten thousand (10,000) people must also comply with the requirements in this section beginning January 1, 2002 unless otherwise specified.

(B) General Requirements.

1. This section (6) establishes or extends treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella, Cryptosporidium*, and turbidity. Each surface water and groundwater under the direct influence of surface water system serving at least ten thousand (10,000) people must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in sections (1)–(4) of this rule. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

A. At least ninety-nine percent (99%) (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems; and

B. Compliance with the profiling and benchmarking requirements under the provisions of subsection (6)(C) of this rule.

2. A public water system subject to the requirements of this section (6) is in compliance with the requirements of paragraph (6)(B)1. of this rule if it meets the applicable filtration requirements in 10 CSR 60-4.050 and the disinfection requirements in sections (2)–(4) and subsection (6)(C) of this rule.

(C) Disinfection Profiling and Benchmarking.

1. Disinfection profile. A disinfection profile is a summary of daily *Giardia lamblia* inactivation through the treatment plant. A public water system subject to the requirements of this section (6) must determine its TTHM annual average and its HAA5 annual average. The annual average is the arithmetic average of the quarterly averages of four (4) consecutive quarters of monitoring.

A. The TTHM annual average must be the annual average during the same period as is used for the HAA5 annual average.

(I) Those systems that use "grandfathered" HAA5 occurrence data that meet the provisions of item (5)(C)1.B.(I) of this rule must use TTHM data collected at the same time under the provisions of 10 CSR 60-4.090.

(II) Those systems that use HAA5 occurrence data that meet the provisions of subitem (6)(C)1.B.(II)(a) of this rule must use TTHM data collected at the same time under the provisions of 10 CSR 60-4.090.

B. The HAA5 annual average must be the annual average during the same period as is used for the TTHM annual average.

(I) Those systems that have collected four (4) quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in 10 CSR 60-4.090 and handling and analytical method requirements of 40 CFR 141.142 may use those data to determine whether the requirements of this section apply.

(II) Those systems that did not collect four (4) quarters of HAA5 occurrence data that meets the provisions of item (6)(C)1.B.(I) of this rule by March 31, 2000 must either:

(a) Conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in 10 CSR 60-4.090(2) and handling and analytical method requirements of 40 CFR 141.142(b)(1) to determine the HAA5

annual average and whether the requirements of paragraph (6)(C)2. of this rule apply; or

(b) Comply with all other provisions of this section as if the HAA5 monitoring had been conducted and the results required compliance with paragraph (6)(C)2. of this rule.

C. The system must submit data to the department on the schedule required by the department.

D. Any system having either a TTHM annual average greater than or equal to 0.064 mg/L or an HAA5 annual average greater than or equal to 0.048 mg/L during the period identified in subparagraphs (5)(C)1.A. and B. of this rule must comply with paragraph (6)(C)2. of this rule.

2. Disinfection profiling.

A. Any system that meets the criteria in subparagraph (6)(C)1.D. of this rule must develop a disinfection profile of its disinfection practice for a period of up to three (3) years.

B. The system must monitor daily for a period of twelve (12) consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the CT99.9 values in Tables 1 through 8 of the "Guidance Manual for Surface Water System Treatment Requirements," as appropriate, through the entire treatment plant. This system must begin this monitoring when requested by the department. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring set forth in this subparagraph (6)(C)2.B. A system with more than one (1) point of disinfectant application must conduct this monitoring for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 10 CSR 60-5.010, as follows:

(I) The temperature of the disinfected water must be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow;

(II) If the system uses chlorine, the pH of the disinfected water must be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow;

(III) The disinfectant contact time(s) must be determined for each day during peak hourly flow; and

(IV) The residual disinfectant concentration(s) of the water before or at the first customer and prior to each additional point of disinfection must be measured each day during peak hourly flow.

C. In lieu of the monitoring conducted under the provisions of subparagraph (6)(C)2.B. of this rule to develop the disinfection profile the system may elect to meet the requirements of item (6)(C)2.C.(I) of this rule. In addition to the monitoring conducted under the provisions of subparagraph (6)(C)2.B. of this rule to develop the disinfection profile, the system may elect to meet the requirements of item (6)(C)2.C.(II) of this rule.

(I) A PWS that has three (3) years of existing operational data may submit those data, a profile generated using those data, and a request that the department approve use of those data in lieu of monitoring under the provisions of paragraph (6)(C)2. of this rule. The department must determine whether these operational data are substantially equivalent to data collected under the provisions of subparagraph (6)(C)2.B. of this rule. These data must also be representative of *Giardia lamblia* inactivation through the entire treatment plant and not just of certain treatment segments. Until the department approves this request, the system is required to conduct monitoring under the provisions of subparagraph (6)(C)2.B. of this rule.

(II) In addition to the disinfection profile generated under subparagraph (6)(C)2.B. of this rule, a PWS that has existing operational data may use those data to develop a disinfection profile for additional years. Such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of paragraph (6)(C)3. of this rule. The department will determine whether these operational data are substantially equivalent to data collected under the provisions of subparagraph (6)(C)2.B. of this rule. These data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

D. The system must calculate the total inactivation ratio as follows:

(I) The system may determine the total inactivation ratio for the disinfection segment based on either of the following methods:

(a) Determine one (1) inactivation ratio ($CTcalc/CT_{99.9}$) before or at the first customer during peak hourly flow; or

(b) Determine successive $CTcalc/CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system must calculate the total inactivation ratio by determining ($CTcalc/CT_{99.9}$) for each sequence and then adding the ($CTcalc/CT_{99.9}$) values together to determine ($\sum(CTcalc/CT_{99.9})$); and

(II) The system must determine the total logs of inactivation by multiplying the value calculated in item (6)(C)2.D.(I) of this rule by 3.0.

E. A system that uses either chloramines or ozone for primary disinfection must also calculate the logs of inactivation for viruses using a method identified in EPA's "Alternative Disinfectants and Oxidants Guidance Manual."

F. The system must retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the department for review as part of sanitary surveys conducted by the department.

3. Disinfection benchmarking.

A. Any system required to develop a disinfection profile under the provisions of paragraphs (6)(C)1. and 2. of this rule and that decides to make a significant change to its disinfection practice must consult with the department in writing prior to making such change. Significant changes to disinfection practice are:

(I) Changes to the point of disinfection;

(II) Changes to the disinfectant(s) used in the treatment plant;

(III) Changes to the disinfection process; and

(IV) Any other modification identified by the department.

B. Any system that is modifying its disinfection practice must calculate its disinfection benchmark using one of the following procedures:

(I) For each year of profiling data collected and calculated under paragraph (6)(C)2. of this rule, the system must determine the lowest average monthly *Giardia lamblia* inactivation in each year of profiling data. The system must determine the average *Giardia lamblia* inactivation for each calendar month for each year of profiling data by dividing the sum of daily *Giardia lamblia* of inactivation by the number of values calculated for that month; or

(II) The disinfection benchmark is the lowest monthly average value (for systems with one (1) year of profiling data) or average of lowest monthly average values (for systems with more than one year of profiling data) of the monthly logs of *Giardia lamblia* inactivation in each year of profiling data.

C. A system that uses either chloramines or ozone for primary disinfection must also calculate the disinfection benchmark for viruses using a method approved by the department.

D. The system must submit the following information to the department as part of its consultation process:

(I) A description of the proposed change;

(II) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) under paragraph (6)(C)2. of this rule and benchmark as required by subparagraph (6)(C)3.B. of this rule; and

(III) An analysis of how the proposed change will affect the current levels of disinfection.

(D) Filtration Sampling Requirements. A public water system subject to the requirements of this section (6) that provides conventional filtration treatment must conduct continuous monitoring of turbidity for each individual filter as indicated in 10 CSR 60-4.050(3)(E).

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-4.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 161–175). Those sections with changes are reprinted here. This proposed amendment becomes effective **September 1, 2000**.

SUMMARY OF COMMENTS: At the public hearing on February 22, 2000 the department testified that the amendment adopts requirements from the federal Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection By-Products (DBP) Rule, including monitoring plan requirements for consecutive systems, and requires new and modified treatment systems to be designed to meet the new DBP maximum contaminant levels, modifies chlorine dioxide requirements, and proposes criteria for the department to use to consider multiple wells as one treatment plant. No comments were received at the public hearing. Written comments were received from representatives of two water industry organizations and three public water systems.

COMMENT: The representative of a public water system asked for the scientific basis the department and the Environmental Protection Agency (EPA) used to determine the baseline for these proposed rules.
RESPONSE: EPA has provided extensive information on the scientific basis for the DBP and IESWTR. This information was published in the July 29, 1994, November 3, 1997, March 31, 1998 and December 16, 1998 *Federal Registers*. The department is providing a copy of this information to the commenter. The state rule is based on the federal rule. No changes to the rule were requested or made.

COMMENT: The representative of a water industry organization commented on a typographical error in Table 1.
RESPONSE: Review of the published version of the amendment shows that the error was corrected before publication and no change is needed in response to the comment.

COMMENT: The commenter also recommended changing "his/her product water" in subsection (2)(A) to "the product water."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment and has made the change.

COMMENT: Representatives of two water industry organizations and three public water systems commented on the consecutive system monitoring plan requirements in subsection (3)(A). Representatives of a water industry organization and a public water system commented that the intent of the monitoring plan requirements in subsection (3)(A) is to combine the entity providing water with all those that use that water into one monitoring plan, to the extent practical. The commenters believe combining entities together in one monitoring plan could cause several problems. They enumerate two. First, a water purchaser may purchase water from more than one supplier. The purchased water is mixed, making it impossible to tell whose water is being tested. Second, the water seller does not control the water purchaser and is unable to verify the conditions in which the samples were taken. The commenters prefer each system to have the flexibility to monitor separately. Another commenter representing a water industry organization stated that the primary and secondary systems should be considered one system with respect to sampling.

Representatives of a water industry organization and a public water system raise several implementation issues with regard to consecutive systems. The commenters assume that the rule may force small communities back into water treatment, which will be expensive, and ask where funding for treatment facilities will be provided. The commenters ask how the department will regulate out-of-state treatment facilities providing water to systems located in Missouri. If purchased water violates safe drinking water standards, the commenters ask what the required corrective action is. If the purchased water comes from more than one water seller and a violation occurs, how will the purchaser of the water determine where the water came from. If the secondary system is selling water to a third system, who is responsible for the monitoring plan for the third system. The representative of a public water system commented that the secondary system should not be responsible for violations if the water does not meet disinfection by-product requirements.

The representative of a water industry organization commented that subparagraph (3)(A)3.D. states that systems that purchase water must provide a monitoring plan and meet the monitoring requirements of this section unless the purchaser is included in the seller's monitoring plan. The commenter asked if these secondary systems are required to meet the MCLs. The commenter pointed out that these systems are not included in the applicability statement in section (1), which states that the rule applies to community and non-transient noncommunity water systems that add a disinfectant to the water in any part of the drinking water treatment process. The commenter points out that this is a conflict within the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: The rule provides flexibility for each system to monitor separately and they may choose to do so. However, while each system may stand alone, primary and secondary systems are encouraged to work together in a cooperative spirit to resolve compliance and implementation issues. The department recognizes the challenges of complying with the requirements of the DBP Rule and will work with affected systems to resolve implementation issues. The monitoring plan gives the department the flexibility to make monitoring requirements, MCL determinations and other factors fit each specific situations.

The commission agrees that there is a potential conflict between the applicability statement in section (1) and subparagraph (3)(A)3.D. Section (1) is modified to clarify that the rule applies to systems providing water that contains a disinfectant, and to resolve a discrepancy with subsection (1)(E). The change is printed here.

COMMENT: The representative of a water industry organization recommended rewording the explanation of sampling locations in subparagraphs (3)(B)2.B. and (3)(C)2.B. to match similar explanations in items (3)(B)2.A.(I) and (II). The commenter also pointed out possible typographical errors in subparagraphs (3)(B)3.B., (4)(D)1.C., and (4)(D)1.E. and paragraph (3)(D)1., and recommended adding the word "direct" to subparagraph (3)(C)1.A.

RESPONSE AND EXPLANATION OF CHANGE: Review of the published version of the amendment shows that typographical errors were corrected before publication. The commission considered the recommendation that the sampling location be reworded but decided to keep the wording as it was proposed in order to maintain consistency with the federal rules. The commission agrees with adding "direct" to subparagraph (3)(C)1.A. The change is reprinted below.

COMMENT: The representative of a water industry organization recommended that subparagraph (3)(C)2.A. require monitoring for chlorine dioxide when the threshold of 0.8 mg/L is reached, not when chlorine dioxide is detected. The representative of a public water system commented that in some cases chlorine dioxide used as a primary oxidant has proven beneficial in reducing disinfection by-products.
RESPONSE: The maximum residual disinfectant level (MRDL) of 0.8 mg/L is retained as the threshold for acute violations and public notice. Requiring increased monitoring when chloride dioxide is detected rather than when the MRDL is exceeded is necessary and justified due to the extreme loss of aesthetic quality in drinking water if chlorine dioxide is detectable in the distribution system. No change is made in response to the comment.

EXPLANATION OF OTHER CHANGES: The commission is making a technical correction to the compliance dates in sections (1) and (4) and clarifying the wording without affecting the proposed requirements in subsections (1)(D), (3)(B)–(C) and (4)(B)–(C). Section (1) and subsections (2)(A), (3)(B)–(C), and (4)(B)–(D) are reprinted here. All other changes are adopted as proposed.

10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection By-Products

(1) Applicability. This rule applies to community water systems and nontransient noncommunity water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process or provide water that contains a chemical disinfectant and to water treatment plants proposed for construction or major modification as indicated in this section. The rule has different requirements and compliance dates, based on system size and type of source water.

(A) Community water systems serving 10,000 or more people and using surface water or groundwater under the direct influence of surface water (GWUDISW) must continue complying with the maximum contaminant level (MCL) of 0.10 for total trihalomethanes (TTHM) and section (3) of this rule until December 31, 2001. Beginning January 1, 2002, these systems and nontransient noncommunity water systems serving 10,000 or more people and using surface water or GWUDISW must comply with sections (4)–(5) of this rule and the MCLs of 0.080 for TTHM, 0.060 for haloacetic acids five (HAA5), 0.010 for bromate, and 1.0 for chlorite.

(B) Community water systems and nontransient noncommunity water systems serving less than 10,000 people and using surface water or GWUDISW. Beginning January 1, 2004, these systems must comply with sections (4)–(5) of this rule and the MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite.

(C) Community water systems and nontransient noncommunity water systems using groundwater. Beginning January 1, 2004, these systems must comply with sections (4)–(5) of this rule and the MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite.

Table 1. Compliance with Disinfection By-Product Requirements

Who must comply	When	MCLs (mg/L)	Compliance Requirements
Community water systems serving 10,000 or more people and using surface water or groundwater under the direct influence of surface water (GWUDISW)	Oct. 11, 1981 to Dec. 31, 2001.	TTHM 0.10	Section (2)
Community water systems and nontransient noncommunity water systems serving 10,000 or more people and using surface water or GWUDISW	Jan. 1, 2002	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)
Community water systems and nontransient noncommunity water systems serving less than 10,000 people and using surface water or GWUDISW	Jan. 1, 2004	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)
Community water systems and nontransient noncommunity water systems using groundwater	Jan. 1, 2004	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)

(D) A system that is installing granular activated carbon (GAC) or membrane technology to comply with this rule may apply to the department for an extension of up to twenty-four (24) months past December 16, 2001 but not beyond December 31, 2003. In granting the extension, the department will set a schedule for compliance and may specify any interim measures that the system must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of the drinking water regulations.

(E) Beginning September 1, 2000, any water treatment plant proposed for construction or major modification must be designed to meet the disinfection by-product MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite and the requirements of sections (3) and (4) of this rule.

(2) Compliance with the TTHM MCL of 0.10.

(A) A supplier of water must collect samples of the product water for analyses as follows:

1. Community water systems must perform sampling at quarterly intervals.

A. Analyses for TTHM shall be performed at quarterly intervals on at least four (4) water samples for each treatment plant used by the system.

B. The minimum number of samples required shall be based on the number of treatment plants used by the system except that multiple wells drawing raw water from a single aquifer, with the department's approval, may be considered one (1) treatment plant for determining the minimum number of samples.

C. Community water systems serving fewer than ten thousand (10,000) persons, at the discretion of the department, may be required to submit fewer samples; and

2. All samples taken within an established frequency shall be collected within a twenty-four (24)-hour period.

(3) Monitoring Requirements and Plan.

(B) Monitoring Requirements for Disinfection By-Products.

1. TTHMs and HAA5.

A. Routine monitoring. Systems must monitor at the frequency indicated in Table 2.

Table 2. Routine Monitoring Frequency for TTHM and HAA5.

Surface water or GWUDISW system serving at least 10,000 people.	Four (4) water samples per quarter per treatment plant.	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.[1]
Surface water or GWUDISW system serving from 500 to 9,999 people.	One (1) water sample per quarter per treatment plant.	Locations representing maximum residence time.[1]
Surface water or GWUDISW system serving fewer than 500 people.	One (1) sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in subsection (3)(C) of this rule.
System using only groundwater not under the direct influence of surface water using chemical disinfectant and serving at least 10,000 people.	One (1) water sample per quarter per treatment plant.[2]	Locations representing maximum residence time.[1]
System using only groundwater not under the direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One (1) sample per year per treatment plant[2] during month of warmest water temperature.	Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets the criteria in subsection (3)(C) of this rule for reduced monitoring.

[1]If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

[2]Multiple wells drawing water from a single aquifer may be considered one (1) treatment plant for determining the minimum number of samples required, with department approval.

B. Systems may reduce monitoring, except as otherwise provided, in accordance with Table 3.

Table 3. Reduced Monitoring Frequency TTHM and HAA5

If you are a . . .	You may reduce monitoring if you have monitored at least one year and your . . .	To this level
Surface water or GWUDISW system serving at least 10,000 persons which has a source water annual average total organic carbon (TOC) level, before any treatment, ≤4.0mg/L	TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030 mg/L	One (1) sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Surface Water or GWUDISW system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, ≤4.0mg/L	TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030 mg/L.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any surface Water or GWUDISW system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030 mg/L.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030 mg/L for two consecutive years OR TTHM annual average ≤0.20 mg/L and HAA5 annual average ≤0.015 mg/L for one year.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

C. Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/L for TTHMs and 0.045 mg/L for HAA5. Systems that do not meet these levels must resume monitoring at the frequency identified in Table 2: Routine Monitoring in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L for TTHMs and 0.045 mg/L for HAA5. For systems using only groundwater under the direct influence of surface water and serving fewer than ten thousand (10,000) persons, if either the TTHM annual average is greater than 0.080 mg/L or the HAA5 annual average is greater than 0.060 mg/L, the system must go to increased monitoring. Systems on increased monitoring may return to routine monitoring TTHM annual average is less than or equal to 0.040 mg/L and HAA5 annual average is less than or equal to 0.030 mg/L.

D. The department may return a system to routine monitoring at the department's discretion.

2. Chlorite. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

A. Routine monitoring.

(I) Daily monitoring. Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system, in addition to the sample required at the entrance to the distribution system.

(II) Monthly monitoring. Systems must take a three (3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under subparagraph (3)(B)2.B. to meet the requirement for monthly monitoring.

B. Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three (3) chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring.

(I) Chlorite monitoring at the entrance to the distribution system required by item (3)(B)2.A.(I) of this rule may not be reduced.

(II) Chlorite monitoring in the distribution system required by item (3)(B)2.A.(II) of this rule may be reduced to one (1) three (3)-sample set per quarter after one (1) year of monitoring where no individual chlorite sample taken in the distribution system under item (3)(B)2.A.(II) of this rule has exceeded the chlorite MCL and the system has not been required to conduct

monitoring under subparagraph (3)(B)2.B. of this rule. The system may remain on the reduced monitoring schedule until either any of the three (3) individual chlorite samples taken quarterly in the distribution system under item (3)(B)2.A.(II) of this rule exceeds the chlorite MCL or the system is required to conduct monitoring under subparagraph (3)(B)2.B. of this rule, at which time the system must revert to routine monitoring.

3. Bromate.

A. Routine monitoring. Community and nontransient noncommunity systems using ozone for disinfection or oxidation must take one (1) sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B. Reduced monitoring. Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one (1) year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/L, the system must resume routine monitoring.

(C) Monitoring Requirements for Disinfectant Residuals.

1. Chlorine and chloramines.

A. Routine monitoring. Community and nontransient noncommunity water systems must measure the residual disinfectant level at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in 10 CSR 60-4.020. System using surface water or groundwater under the direct influence of surface water may use the results of residual disinfectant concentration sampling conducted under 10 CSR 60-4.080(3) and 10 CSR 60-4.055(4), in lieu of taking separate samples.

B. Reduced monitoring. Monitoring may not be reduced.

2. Chlorine dioxide.

A. Routine monitoring. Community, nontransient noncommunity, and transient noncommunity water systems that use chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that detects chlorine dioxide, the system must take additional samples in the distribution system the following day, in addition to the sample required at the entrance to the distribution system.

B. Additional monitoring. On each day following a routine sample monitoring result that detects chlorine dioxide, the system is required to take three (3) chlorine dioxide distribution system samples as close to the first customer as possible, at intervals of at least six (6) hours. If chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (that is, no booster chlorination), the system must take three (3) samples as close to the first customer as possible, at intervals of at least six (6) hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one (1) or more disinfection addition points after the entrance to the distribution system (that is, booster chlorination), the system must take one (1) sample at each of the following locations: as close to the first customer as possible; in a location representative of average residence time; and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring. Chlorine dioxide monitoring may not be reduced.

(4) Compliance Requirements.

(B) Disinfection By-Products.

1. TTHMs and HAA5.

A. For systems monitoring quarterly, compliance must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed by paragraph (3)(B)1. of this rule.

B. For systems monitoring less frequently than quarterly, systems demonstrate compliance if the average of samples taken that year under the provisions of paragraph (3)(B)1. of this rule does not exceed the MCL. If the average of these samples exceeds the MCL, the system must increase monitoring to once per quarter per treatment plant. The system is not in violation until it has completed one (1) year of quarterly monitoring, unless the result of fewer than four (4) quarters of monitoring will cause the running annual average to exceed the MCL, in which case the system is in violation at the end of that quarter. Systems required to increase to quarterly monitoring must calculate compliance by including the sample that triggered the increased monitoring plus the following three (3) quarters of monitoring.

C. If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 10 CSR 60-8.010 addition to reporting to the department pursuant to 10 CSR 60-7.010.

D. If a public water system fails to complete four (4) consecutive quarters of monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

2. Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by paragraph (3)(B)3. of this rule. If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010. If a PWS fails to complete twelve (12) consecutive months' monitoring, compliance with the MCL for the last four (4)-quarter compliance period must be based on an average of the available data.

3. Chlorite. Compliance must be based on an arithmetic average of each three (3) sample set taken in the distribution system as prescribed by item (3)(B)2.A.(II) and subparagraph (3)(B)2.B. of this rule. If the arithmetic average of any three (3) sample set exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

(C) Disinfectant Residuals.

1. Chlorine and chloramines.

A. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under paragraph (3)(C)1. of this rule. If the average covering any consecutive four (4)-quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to 10 CSR 60-7.010(6) must clearly indicate which residual disinfectant was analyzed for each sample.

2. Chlorine dioxide.

A. Acute violations. Compliance must be based on consecutive daily samples collected by the system under paragraph (3)(C)2. of this rule. If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (1) (or more) of the three (3) samples taken in the distribution system exceed the MRDL, the system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in 10 CSR 60-8.010(1)(A)3., in addition to reporting to the department pursuant to 10 CSR 60-7.010. Failure to take samples in the distribution

system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system must notify the public of the violation in accordance with the provisions for acute violations under 10 CSR 60-8.010(1)(A)3., in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. Nonacute violations. Compliance must be based on consecutive daily samples collected by the system in compliance with this rule.

(I) If any two (2) consecutive daily samples taken at the entrance to the distribution system detect chlorine dioxide, the system must take corrective action to lower the chlorine dioxide level.

(II) If any two (2) consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and notify the public pursuant to the procedures for nonacute health risks in 10 CSR 60-8.010(7)(D), in addition to reporting to the department pursuant to 10 CSR 60-7.010. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must notify the public of the violation in accordance with the provisions for nonacute violations in 10 CSR 60-8.010(7)(D), in addition to reporting to the department pursuant to 10 CSR 60-7.010.

(D) Disinfection By-Product Precursors (DBPP).

1. Systems using surface water or groundwater under the direct influence of surface water and using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in this rule unless the system meets at least one (1) of the alternative compliance criteria listed here. These systems must still comply with monitoring requirements in sections (3)–(4) of this rule. The alternative compliance criteria for enhanced coagulation and enhanced softening are:

A. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, calculated quarterly as a running annual average;

B. The system's treated water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, calculated quarterly as a running annual average;

C. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured according to 10 CSR 60-5.010, is greater than 60 mg/L (as $CaCO_3$), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance with this rule, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance with this rule to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the department for approval not later than the effective date for compliance with this rule. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation;

D. The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system;

E. The system's source water SUVA, prior to any treatment and measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average. SUVA refers to Specific Ultraviolet Absorption at two-hundred-fifty-four nanometers (254nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254nm (UV_{254}) (in $m^{=1}$) by its concentration of dissolved organic carbon (DOC) (in mg/L); and

F. The system's finished water SUVA, measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

2. Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the Step 1 TOC removals may use the alternative compliance criteria listed here in lieu of complying with paragraph (4)(D)3. of this rule. Systems must still comply with monitoring requirements in sections (3)-(4) of this rule.

A. Softening that results in lowering the treated water alkalinity to less than 60 mg/L (as $CaCO_3$), measured monthly according to 10 CSR 60-5.010 and calculated quarterly as a running annual average.

B. Softening that results in removing at least 10 mg/L of magnesium hardness (as $CaCO_3$), measured monthly and calculated quarterly as an annual running average.

3. Enhanced coagulation and enhanced softening performance requirements.

A. Systems must achieve the percent reduction of TOC specified in Table 4 between the source water and the combined filter effluent, unless the department approves a system's request for alternate minimum TOC removal (Step 2) requirements. Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve (12) months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve (12) months after the compliance date that it is not able to meet the Step 1 requirements and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date.

B. Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with 10 CSR 60-5.010. Systems practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity >120 mg/L) for the specified source water TOC.

Table 4. Required Step 1 TOC Reductions.

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Surface Water and GWUDISW Systems Using Conventional Treatment[1,2]			
	Source water alkalinity, mg/L as $CaCO_3$		
Source water TOC, mg/l	0–60	>60–120	>120[3]
>2.0–4.0	35.0%	25.0%	15.0%
>4.0–8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

[1]Systems meeting at least one of the conditions in paragraph (4)(D)1. of this rule are not required to operate with enhanced coagulation.

[2]Softening systems meeting one of the alternative compliance criteria in paragraph (4)(D)1. of this rule are not required to operate with enhanced softening.

[3]Systems practicing softening must meet the TOC removal requirements in this column.

C. Conventional treatment systems using surface water or ground water under the direct influence of surface water that cannot achieve the Step 1 TOC removals due to water quality parameters or operational constraints must apply to the department, within three (3) months of failure to achieve the Step 1 TOC removals, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the system. If the department approves the alternative minimum TOC removal (Step 2) requirements, the department may make those requirements retroactive for the purposes of determining compliance. Until the department approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals.

D. Alternate minimum TOC removal (Step 2) requirements. Applications made to the department by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under subparagraph (4)(D)3.C. of this rule must include, as a minimum, results of bench- or pilot-scale testing conducted under this subparagraph (4)(D)3.D. and used to determine the alternate enhanced coagulation level.

(I) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described here such that an incremental addition of 10 mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of less than or equal to 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the department, this minimum requirement supersedes the minimum TOC removal required by Table 4 of this rule. This requirement will be effective until such time as the department approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve department-set alternative minimum TOC removal levels is a violation.

(II) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in Table 5.

Table 5: Enhanced Coagulation Step 2 Target pH.

Alkalinity (mg/l as $CaCO_3$)	Target pH
0–60	5.5
>60–120	6.3
>120–240	7.0
>240	7.5

(III) For waters with alkalinities of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.

(IV) The system may operate at any coagulant dose or pH necessary (consistent with other regulatory requirements) to achieve the minimum TOC percent removal approved under subsection (3)(C) of this rule.

(V) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the department for a waiver of enhanced coagulation requirements.

4. Compliance calculations.

A. Systems using surface water or groundwater under the direct influence of surface water, other than those identified in paragraphs (4)(D)1. or 2. of this rule, must comply with requirements contained in subparagraph (4)(D)3.B. of this rule. Systems must calculate compliance quarterly, beginning after the system has collected twelve (12) months of data, by determining an annual average using the following method.

(I) Determine actual monthly TOC percent removal, equal to: (1 – (treated water TOC/source water TOC)) x 100;

(II) Determine the required monthly TOC percent removal;

(III) Divide the value in item (4)(D)4.A.(I) by the value in item (4)(D)4.A(II); and

(IV) Add together the results of item (4)(D)4.A.(III) for the last twelve (12) months and divide by 12. If the value calculated is less than 1.00, the system is not in compliance with the TOC percent removal requirements. For systems required to meet Step 1 TOC removals, if the value calculated is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to 10 CSR 60-8.010 in addition to reporting to the department.

B. Systems may use the following provisions in lieu of the calculations in subparagraph (4)(D)4.A. of this rule to determine compliance with TOC percent removal requirements:

(I) In any month that the system's treated or source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, the system may assign a monthly value of 1.0 (in lieu of the value calculated in item (4)(D)4.A.(III) of this rule);

(II) In any month that a system practicing softening removes at least 10 mg/L of magnesium hardness (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in item (4)(D)4.A.(III) of this rule);

(III) In any month that the system's source water SUVA, prior to any treatment and measured according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in item (4)(D)4.A.(III) of this rule);

(IV) In any month that the system's finished water SUVA, measured according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in item (4)(D)4.A.(III) of this rule); and

(V) In any month that a system practicing enhanced softening lowers alkalinity below 60 mg/L (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in item (4)(D)4.A.(III) of this rule).

C. Systems using conventional treatment and surface water or groundwater under the direct influence of surface water may also comply with the requirements of this rule by meeting the criteria in paragraphs (4)(D)1. or 2. of this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 5—Laboratory and Analytical Requirements

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-5.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 176–180). Section (7) is reprinted here and the remainder of the amendment is adopted as proposed. This proposed amendment becomes effective **September 1, 2000**.

SUMMARY OF COMMENTS AND EXPLANATION OF OTHER CHANGES: At the public hearing on February 22, 2000 the department testified that the amendment adopts requirements from the Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection By-Products Rule. No public comments were received at the hearing or in writing.

The commission is making a minor technical correction to the proposed wording in section (7) in order to clarify a potential discrepancy with other existing requirements.

10 CSR 60-5.020 Laboratory Certification

(7) Analysis for disinfection byproducts must be conducted by laboratories that have received certification by the department except that a party approved by the department must measure daily chlorite samples at the entrance to the distribution system. To receive certification to conduct analyses for the TTHM, HAA5, bromate and chlorite, the laboratory must carry out annual analyses of performance evaluation (PE) samples approved by the department. In these analyses of PE samples, the laboratory must achieve quantitative results within the acceptance limit on a minimum of eighty percent (80%) of the analytes included in each PE sample. The acceptance limit is defined as the ninety-five (95%) confidence interval calculated around the mean of the PE study data between a maximum and minimum acceptance limit of plus or minus fifty percent (±50%) and plus or minus fifty percent (±15%) of the study mean.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 7—Reporting

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-7.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 181–186). Subsection (6)(B) and section (7) are reprinted here. The remainder of the amendment is adopted as proposed. This proposed amendment becomes effective **September 1, 2000**.

SUMMARY OF COMMENTS AND EXPLANATION OF OTHER CHANGES: At the public hearing on February 22, 2000 the department testified that the amendment adopts requirements from the Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection By-Products Rule. No public comments were made at the hearing. One written comment was received from the representative of a water industry organization, who commented on a typographical error in subsection (6)(B). Review of the published version of the amendment shows that the error has been corrected. No changes are needed in response to the comment.

The commission is clarifying the wording in subsection (6)(B) without changing the proposed requirements and is making a technical correction to the compliance dates. A cross reference in section (7) is corrected based on changes to 10 CSR 60-4.050 and 10 CSR 60-4.055.

10 CSR 60-7.010 Reporting Requirements

(6) Reporting and Recordkeeping Requirements for Disinfection By-Products and Enhanced Surface Water Treatment.

(B) Disinfection By-Products. Systems must report the information specified in the following table:

If you are…	You must report…[1]
System monitoring for TTHM and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) on a quarterly or more frequent basis.	(1) The number of samples taken during the last quarter. (2) The location, date, and result of each sample taken during the last quarter. (3) The arithmetic average of samples taken in the last quarter. (4) The annual arithmetic average of the quarterly arithmetic averages of this section for the last four quarters. (5) Whether the MCL was exceeded.
System monitoring for TTHMs and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) less frequently than quarterly (but at least annually).	(1) The number of samples taken during the last quarter. (2) The location, date, and result of each sample taken during the last monitoring period. (3) The arithmetic average of all samples taken over the last year. (4) Whether the MCL was exceeded.
System monitoring for TTHMs and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) less frequently than annually.	(1) The location, date, and result of the last sample taken. (2) Whether the MCL was exceeded.
System monitoring for chlorite under the requirements of 10 CSR 60-4.090(3)(B).	(1)The number of samples taken each month for the last 3 months. (2) The location, date, and result of each sample taken during the last quarter. (3) For each month in the reporting period, the arithmetic average of all samples taken in the month. (4) Whether the MCL was exceeded, and in which month it was exceeded.
System monitoring for bromate under the requirements of 10 CSR 60-4.090(3)(B).	(1) The number of samples taken during the last quarter. (2) The location, date, and result of each sample taken during the last quarter. (3) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year. (4) Whether the MCL was exceeded.

[1] The department may choose to perform calculations and determine whether the MCL was exceeded, in lieu of having the system report that information.

(7) Enhanced Filtration and Disinfection Reporting and Recordkeeping Requirements. In addition to the reporting and recordkeeping requirements in sections (5) and (8) of this rule, a public water system subject to the requirements of 10 CSR 60-4.055(6) that provides conventional filtration treatment must report monthly to the department the information specified in subsections (7)(A) and (7)(B) of this rule beginning January 1, 2002. In addition to the reporting and recordkeeping requirements in sections (5) and (8) of this rule, a public water system subject to the requirements of 10 CSR 60-4.055(6) that provides filtration approved under 10 CSR 60-4.050(3)(G) must report monthly to the department the information specified in subsection (7)(A) of this rule beginning January 1, 2002. The reporting in subsection (7)(A) of this rule takes the place of the reporting specified in section (4) of this rule.

(A) Turbidity measurements as required by 10 CSR 60-4.050(3)(B) must be reported within ten (10) days after the end of each month the system serves water to the public. Information that must be reported includes:

1. The total number of filtered water turbidity measurements taken during the month;

2. The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in 10 CSR 60-4.050(3)(B)1. or 2.; and

3. The date and value of any turbidity measurements taken during the month which exceed 1 NTU for systems using conventional filtration treatment, or which exceed the applicable maximum level.

(B) Systems must maintain the results of individual filter monitoring taken under 10 CSR 60-4.050(3)(E) for at least three (3) years. Systems must report that they have conducted individual filter turbidity monitoring under 10 CSR 60-4.050(3)(E) within ten (10) days after the end of each month the system serves water to the public. Systems must report the individual filter turbidity measurement results within ten (10) days after the end of each month the system serves water to the public only if measurements demonstrate one (1) or more of the conditions in paragraphs (7)(B)1.–4. of this rule. Systems that use lime softening may apply to the department for alternative exceedance levels for the levels specified in this subsection (7)(B) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

1. For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven (7) days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

2. For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at the end of the first four (4) hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must report the filter number, the turbidity, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven (7) days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

3. For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of three (3) consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must conduct a self-assessment of the filter within fourteen (14) days of the exceedance and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

4. For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of two (2) consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange for the conduct of a Comprehensive Performance Evaluation by the department or a third party approved by the department no later than thirty (30) days following the exceedance and have the evaluation completed and submitted to the department no later than ninety (90) days following the exceedance.

A. The Comprehensive Performance Evaluation is a thorough review and analysis of a plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a Comprehensive Performance Evaluation report.

B. If the Comprehensive Performance Evaluation results indicate improved performance potential, the system shall implement Comprehensive Technical Assistance. The system must identify and systematically address plant-specific factors. The Comprehensive Technical Assistance is a combination of utilizing Comprehensive Performance Evaluation results as a basis for followup, implementing process control priority-setting techniques, and maintaining long-term involvement to systematically train staff and administrators.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 8—Public Notification

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 187–190). No changes have been made to the amendment, so it is not reprinted here. This proposed amendment becomes effective **September 1, 2000**.

SUMMARY OF COMMENTS: At the public hearing on February 22, 2000 the department testified that the amendment adopts requirements from the Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection By-Products Rule. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Natural Resources under sections 260.225 and 260.335, RSMo Supp. 1999, the director amends a rule as follows:

10 CSR 80-9.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 14, 2000 (25 MoReg 191–196). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received a total of 20 comments (17 written and 3 oral comments received at the public hearing). All comments were mixed in their opposition to and support of the areas of change in the proposed amendment. Those areas include: replacing unsolicited projects with solicited targeted projects, the establishment of new state-wide significance criteria, new managed competition criteria, and a new revolving loan program.

COMMENT: Comments were received indicating support for the selection of various targeted projects. These were from Moniteau Welding Services Inc., Remains Inc., the Community Development Director, City of Arnold, and the World Clean Air and Water Foundation.
RESPONSE: The department thanks Moniteau Welding Services Inc., Remains Inc., the Community Development Director, City of Arnold, and the World Clean Air and Water Foundation for their comments. All four groups provided valuable insight into identifying where the needs for future grant funds lie. Although these comments are helpful and appreciated they will not result in a change to the rule. The targets will be chosen annually by the method depicted in the rule.

COMMENT: Comments were received from the National Solid Wastes Management Association (NSWMA) indicating their support for a thorough review of the solid waste fee structure with an eye towards the revision of the current statute and possible sunset of the current grant program. The NSWMA believes the private sector should have more input regarding the distribution of funds by the Solid Waste Management Program (SWMP).
RESPONSE: The department has considered the comments from the National Solid Wastes Management Association that emphasize the continual need for the reevaluation of state policy and their resulting programs. However, these concerns lie outside of the scope of this amendment. No change to this rule is necessary.

COMMENT: Comments were received from the Douglas County Household Hazardous Waste and Recycling Committee, the City Administrator/Engineer, City of West Plains, the South Central Solid Waste Management District Chairman, and from Haz-Waste Inc. indicating their support for maintaining the current project grant program along with the two new programs of loans and targeted grants.
RESPONSE: The department thanks the Douglas County Household Hazardous Waste and Recycling Committee, the City Administrator/Engineer City of West Plains, the South Central Solid Waste Management District, and Haz-Waste Inc. for their comments. The department has considered these comments but believes it does not have sufficient staff and resources to effectively manage all three programs (targeted projects, unsolicited projects, and revolving loans). Keeping all three programs could dilute the available funding and thus weaken all three programs. The department and the workgroup that helped to develop this amendment believe that by targeting issues, materials and areas that are perceived to be most needed the funding will be allocated more effectively. No change to the rule is necessary.

COMMENT: Comments were received from the Meramec Regional Planning Commission, the Northwest Missouri Regional Solid Waste Management District, the Mid-Missouri Solid Waste Management District, and the Mid-America Regional Council Solid Waste Management District indicating their support for giving the Solid Waste Advisory Board some level of authority for the selection of targeted projects.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees with these comments. The amendment will be modified in section (1)(C) of the rule to specifically identify the Solid Waste Advisory Board (SWAB) as a consulting source and the department will present its targets to the SWAB for their concurrence. This mechanism is consistent with statute, which states the SWAB shall recommend criteria to the department while the department shall promulgate criteria. The changes are reprinted in this order of rulemaking.

COMMENT: A comment was received from Peerless Demolition Landfill indicating their support for the creation of a committee made up of grant applicants to vote on the final grant awards with veto power given to the department.
RESPONSE: The department considered these comments from Peerless Demolition Landfill but does not wish to create a second advisory committee whose advisory role could be duplicative or possibly in conflict with the advisory role of the SWAB. No change will be made to this rule as a result of this comment.

COMMENT: Comments were received from Douglas County Household Hazardous Waste and Recycling Committee, Central Paper Stock Company Inc., Northwest Missouri Regional Solid Waste Management District, St. Louis Jefferson Solid Waste Management District, and the Mayor, City of St. Peters indicating support that existing enterprises should be given preferential weighting over new startup enterprises, and in addition that the competition criteria should be extended to not-for-profits and public entities.
RESPONSE AND EXPLANATION OF CHANGE: The department does not completely disagree with these comments. However, the goal in awarding this funding is to get the best, most effective project for the least cost and each application will be reviewed individually in order to ensure a fair evaluation of that project. We do not believe earmarking existing entities for funding is always in the best interest of good integrated solid waste management practices. In order to address these comments, the word "private" will be removed in section (5)(C)4 of the rule, thereby extending the fair competition criteria to not-for-profits and public entities. This results in a level playing field for all applicants and enables the best applications to be funded.
The department has developed a policy for implementing the new criteria for both private (and not-for-profit) and public entities. The requirements the applicants must fulfill will be different. Although there will be some costs incurred by public entities, as evidenced by the fiscal note, the department believes that there will not be a fiscal impact of over $500 in the aggregate to private and not-for-profit grant applicants to fulfill these requirements.

COMMENT: Comments were received from Mid-America Regional Council Solid Waste Management District, Region M Solid Waste Management District, Mid-Missouri Solid Waste Management District, the Mayor, City of St. Peters, Meramec

Regional Planning Commission, Perry County Recycling Committee, and Haz-Waste Inc. indicating concerns about or opposition to the proposed loan program.

RESPONSE: The department has considered these comments, however the statute has always included loans as an option for funding waste reduction and recycling projects. The department believes that due to changes in the statute, which resulted in lower funding availability for project grants, it has become necessary to expand options for funding waste reduction and recycling projects. The loan program would allocate a portion of the available funds towards the purchasing of equipment, which might otherwise not be available through the solicited targets program. Furthermore, the recycling of these funds also makes sense under the lower funding restrictions. No change to the rule is made as a result of these comments.

COMMENT: Comments were received from Coon Manufacturing, National Solid Wastes Management Association, Recycle Missouri Inc., Missouri Retailers Association, and Missouri Grocers Association indicating support for a loan program. The South Central Solid Waste Management District is also in favor of the loan program but wishes to maintain unsolicited and solicited project grants as well.

RESPONSE: The department thanks Coon Manufacturing, National Solid Wastes Management Association, Recycle Missouri Inc., Missouri Retailers Association, and Missouri Grocers Association, and the South Central Solid Waste Management District for their endorsement of the proposed loan program. No change to the rule is necessary as a result of these comments.

COMMENT: Comments were received from Perry County Recycling Committee, the Director of Public Works, City of Joplin, St. Louis Jefferson Solid Waste Management District, and the Mid America Regional Council Solid Waste Management District indicating concern over what impact the "Statewide Significance" criteria might have on considering how and where monies could be spent.

RESPONSE: The department shares the concern of these parties regarding the setting of statewide priorities. Both the workgroup formed to assist with the rule change, and the legislative oversight committee recommended that funding should be more focused on projects with statewide significance. The department plans to set up a committee of interested parties to assist with the task of choosing targets, which reflect statewide significance. The department will further encourage the participation from all sectors and individuals with regard to their recommendations for the successful utilization of funds. No change will be made to the rule in response to these comments.

10 CSR 80-9.040 Solid Waste Management Fund—Financial Assistance for Waste Reduction and Recycling Projects

(1) Eligibility.

(C) Solicited Projects—Grant Financed. The funds are to be allocated for targeted projects that are determined to meet statewide waste reduction and recycling priorities. Annually, the department will consult a variety of informational sources including the SWAB to determine which services, materials or activities should be targeted for funding in the subsequent financial assistance cycle. Upon evaluating targeting options and priorities, the department will then present recommendations to the SWAB for their advice. In consideration of the recommendations and advice solicited, the department will establish the targeted services, materials and activities that will be eligible to receive financial assistance.

(5) Proposal Review and Evaluation.

(C) For all proposals funded by grants or loans, the evaluation method shall include the following core criteria, as appropriate:

1. Conformance with the integrated waste management hierarchy as described in the Missouri Policy on Resource Recovery, as incorporated by reference in this rule;
2. Conformance with the State Targeted Materials List;
3. Degree to which the project contributes to community based economic development;
4. Degree to which funding to the project will adversely affect existing entities in the market segment;
5. Degree to which the project promotes waste reduction or recycling through the proposed process;
6. Demonstration of cooperative efforts through a public/private partnership or among political subdivisions;
7. Compliance with federal, state or local requirements;
8. Transferability of results;
9. The statewide need for the information;
10. Technical ability of the applicant;
11. Managerial ability of the applicant;
12. Ability to implement in a timely manner;
13. Technical feasibility;
14. Availability of commitments necessary to conduct the project;
15. Level of commitment for financing;
16. Type of contribution by applicant;
17. Effectiveness and quality of marketing strategy;
18. Quality of budget; and
19. Selected financial ratios.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Natural Resources under sections 260.225 and 260.335, RSMo Supp. 1999, the director amends a rule as follows:

10 CSR 80-9.050 is amended.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 14, 2000 (25 MoReg 197–203). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received a total of six comments on this amendment (four written and two oral comment received at the public hearing). All comments were mixed in their opposition to, and support of, the various areas of change covered in the proposed amendment. Those areas include new managed competition criteria and other changes that bring the rule into compliance with the statute and department policy.

COMMENT: A comment was received from Moniteau Welding Services Inc. indicating that funding should be increased on the purchase of capital equipment and to expand end markets.

RESPONSE: The department thanks Moniteau Welding Services Inc. for its comments. Although these comments provide valuable insight into identifying where needs for future grant funds lie, they will not result in a change to the rule. The statute states that the Solid Waste Management Districts hold the responsibility for identifying priority areas for funding based on their district's solid waste management plan.

COMMENT: A comment was received from the Northwest Missouri Regional Solid Waste Management District indicating that the use of the word "may" rather than "will" in paragraph (1)(D)1 could threaten the district grant allocation structure.
RESPONSE AND EXPLANATION OF CHANGE: The department thanks the Northwest Missouri Regional Solid Waste Management District for this comment. In order to address this issue the word "may" will be replaced with the word "shall" in paragraph (1)(D)1 of the rule. The changed section of the rule is reprinted in this order of rulemaking.

COMMENT: A comment was received from the National Solid Wastes Management Association indicating their support for a thorough review of the solid waste fee structure with an eye towards the revision of the current statute and possible sunset of the current grant program.
RESPONSE: The department has considered the comments from the National Solid Wastes Management Association that emphasize the continual need for the reevaluation of state policy and their resulting programs. However, these concerns lie outside the scope of this amendment. No change to this rule is necessary.

COMMENT: Comments were received from Douglas County Household Hazardous Waste & Recycling Committee, Central Paper Stock Co. Inc., Northwest Missouri Regional Solid Waste Management District, and the St. Louis Jefferson Solid Waste Management District indicating support to giving existing enterprises preferential weighting over startup enterprises, and in addition that the competition criteria should be extended to not-for-profits and public entities.
RESPONSE AND EXPLANATION OF CHANGE: The department does not completely disagree with these comments. However, the goal in awarding this funding is to get the best, most effective project for the least cost and each application will be reviewed individually in order to ensure a fair evaluation of that project. We do not believe earmarking existing entities for funding is always in the best interest of good integrated solid waste management practices. In order to address these comments the word "private" will be removed in subparagraph (2)(C)3.D of the rule, thereby extending the fair competition criteria to not-for-profits and public entities. The districts use set evaluation criteria in evaluating their grant applications. Their executive boards will decide the method used to incorporate this criterion into their current evaluation process.

COMMENT: A comment was received from the Northwest Missouri Regional Solid Waste Management District suggesting that the district administrative grant allocation of $20,000 per district per year should be raised to $30,000 per district per year.
RESPONSE: The department thanks the Northwest Missouri Regional Solid Waste Management District for its comment. The district administrative grant allocation of $20,000 is set by statute and is not addressed in this rule. No change to this rule is necessary.

10 CSR 80-9.050 Solid Waste Management Fund—District Grants

(1) Eligibility.

(D) Grant Funds.

1. As determined by statute, an amount of the revenue generated from the solid waste tonnage fee collected and deposited in the Solid Waste Management Fund may be allocated annually to the executive board of each officially recognized solid waste management district for district grants. Further, each officially recognized solid waste management district shall be allocated, upon appropriation, a minimum amount of forty-five thousand dollars ($45,000) for district grants pursuant to section 260.335.2(3), RSMo.

2. Up to forty percent (40%) of the grant money available to a district under subsection (1)(D) of this rule within a fiscal year may be allocated for projects that further plan implementation and at least sixty percent (60%) shall be allocated for projects of cities and counties within the district.

3. Any regional monies available to a district but not awarded or expended within twenty-four (24) months of the state fiscal year in which it was allocated due to insufficient or inadequate project, as determined by the district's executive board or the department, may be reallocated pursuant to section 260.335.2(4), RSMo of the Missouri Solid Waste Management Law.

(2) District Fund Procedures.

(C) Proposal Review and Evaluation. The executive boards must review, rank and approve proposals as outlined in this subsection.

1. Review for eligibility and completeness. For all proposals received by the deadline as established in their public notices to the media, the board shall determine the eligibility of the applicant, the eligibility of the proposed project, the eligibility of the costs identified in the proposal and the completeness of the proposal.

2. Notice of eligibility and completeness. If the district executive board determines that the applicant or the project is ineligible or incomplete, the board may reject the proposal and shall notify the applicant. A project may be resubmitted up to the application deadline.

3. Proposal evaluation. The executive board shall evaluate each proposal that is determined to be eligible and complete. The board will develop a District Targeted Materials List to be used as one of the evaluation criteria. The evaluation method will include the following criteria, as appropriate per project category:

A. Conformance with the integrated waste management hierarchy as described in the Missouri Policy on Resource Recovery, as incorporated by reference in this rule;

B. Conformance with the District Targeted Materials List;

C. Degree to which the project contributes to community-based economic development;

D. Degree to which funding to the project will adversely affect existing private entities in the market segment;

E. Degree to which the project promotes waste reduction or recycling through the proposed process;

F. Demonstrates cooperative efforts through a public/private partnership or among political subdivisions;

G. Compliance with federal, state or local requirements;

H. Transferability of results;

I. The need for the information;

J. Technical ability of the applicant;

K. Managerial ability of the applicant;

L. Ability to implement in a timely manner;

M. Technical feasibility;

N. Availability of feedstock;

O. Level of commitment for financing;

P. Type of contribution by applicant;

Q. Effectiveness of marketing strategy;

R. Quality of budget; and

S. Selected financial ratios.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 1994, the commission adopts a rule as follows:

11 CSR 45-5.010 Presumption of the Right of Patrons to Participate in Gambling Games **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2000 (25 MoReg 268–272). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Gaming Commission received two letters of comment on proposed rules 11 CSR 45-5.010, the Presumption of Right of Patron to Participate in Gambling Games, and 11 CSR 45-5.051, Minimum Standards for Play of Twenty-One. Additionally, a public hearing was held at which individuals/groups were provided the opportunity to express their agreement with or concern about the rules as written. The issues raised at the hearing were essentially the same as those addressed in the letters.

MISSOURI RIVERBOAT GAMING ASSOCIATION (MRGA)

Vern Jennings, General Manager of Harrah's Maryland Heights, speaking on behalf of the gaming industry as president of MRGA, presented the following comments at the public hearing:

COMMENT: We (MRGA) believe that, like any business in the state of Missouri, we should have the right to refuse service to individuals or teams of individuals who negatively impact our business.
RESPONSE: The casinos do not have an absolute right at this time to refuse service. Anti-discrimination laws have already abridged this right. The issue is, do they have the right to refuse service to a skilled player who is observing cards shuffled in public view and is then making an informed decision as to how to play the game. The rules do not permit the use of devices or team play to count cards. The industry now permits the unskilled player and players whose judgment is impaired by alcohol to play without restriction.

COMMENT: We (MRGA) believes we have a right to charge everyone a price for our services, i.e., the entertainment opportunity we provide. A good basic strategy player can cut the house advantage to about one-half of a percentage point. A card counter can, through a variety of means, predict with fair accuracy what cards are going to come out of the deck next. That can literally shift the advantage over from the house to the player. "In essence, …we would be required to allow an individual to come in and enjoy our gaming entertainment experience, the business we're in, for free and even potentially having to pay that individual for coming in and enjoying our gaming entertainment experience…"
RESPONSE: Casinos are in business to make money; that is a given. Their advertising makes no mention of their "price" for their service; it does, however, focus on the ability of everyone to be a winner. The computation of house advantage is based upon a player utilizing perfect basic strategy. Very few players exercise perfect strategy; therefore, the house advantage is typically much greater than one-half percentage point. The "lucky" player, i.e., one who does not use basic strategy, is at a 2% to 15% disadvantage. While a player who mirrors the dealer's play is at a disadvantage of 5-6%.

COMMENT: The proposed rule allows us to enact countermeasures. These countermeasures, however, negatively impact customers who are not card counters and "will make the experience worse for all of them than it is today." This could shift play to neighboring jurisdictions, which do not have such restrictions.
RESPONSE: Countermeasures should not negatively impact the great majority of guests. Harrah's Maryland Heights indicated they have only had two card counters since opening. Table games players constitute a minority of the players gambling at Missouri casinos; most play the electronic gaming devices.

COMMENT: The state will lose revenue. Changes we may make to counter card counters will negatively impact play volume, which will negatively impact the state's revenue.
RESPONSE: There could possibly be an impact on both casino and state revenue; the extent of the impact, however, is unknown. The question to the Commission is if it is wrong to bar a skilled player from participating in a game regulated by the state, should a reduction to state revenue be relevant.

SUMMARY OF OTHER COMMENTS: Rick Yuhas, Director of Tables Games for Harrah's Maryland Heights, at Mr. Jennings request, presented various countermeasures that could be implemented by casinos to lessen or negate the advantage realized by card counters, and the perceived impact of each.

A letter was received from Mr. Larry Kinser, General Manager of Missouri Gaming Company d/b/a Argosy Casino, as Chairman of the MRGA's General Manager's Committee, expressing the Association's opposition to the proposed rules. Mr. Kinser's comments were the same as those presented by Mr. Jennings before the public hearing officer.

STATION CASINOS

A letter received from John V. Finamore, President of Midwest Operations for Station Casinos, expressed the same views as addressed by the Missouri Riverboat Gaming Association through their President, Vern Jennings; therefore, they will not be readdressed. One additional view was, however, brought forward in Mr. Finamore's letter and deserves response.

COMMENT: "…the Missouri Gaming Commission should focus on fairness and the integrity of casino gaming. To allow casino patrons to play licensed casino games with an unfair advantage will diminish public confidence in the fairness of casino gaming in the State of Missouri."
RESPONSE: Fairness is precisely what the proposed rules are attempting to address.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 1994, the commission adopts a rule as follows:

11 CSR 45-5.051 Minimum Standards for Twenty-One (Blackjack) **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2000 (25 MoReg 273-277). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Gaming Commission received two letters of comment on proposed rules 11 CSR 45-5.010, the Presumption of Right of Patron to Participate in Gambling Games, and 11 CSR 45-5.051, Minimum Standards for Play of Twenty-One. Additionally, a public hearing was held at which individuals/groups were provided the opportunity to express their agreement with or concern about the rules as written. The issues raised at the hearing were essentially the same as those addressed in the letters.

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COMMENT: We (MRGA) believe that, like any business in the state of Missouri, we should have the right to refuse service to individuals or teams of individuals who negatively impact our business.

RESPONSE: The casinos do not have an absolute right at this time to refuse service. Anti-discrimination laws have already abridged this right. The issue is, do they have the right to refuse service to a skilled player who is observing cards shuffled in public view and is then making an informed decision as to how to play the game. The rules do not permit the use of devices or team play to count cards. The industry now permits the unskilled player and players whose judgment is impaired by alcohol to play without restriction.

COMMENT: We (MRGA) believes we have a right to charge everyone a price for our services, i.e., the entertainment opportunity we provide. A good basic strategy player can cut the house advantage to about one-half of a percentage point. A card counter can, through a variety of means, predict with fair accuracy what cards are going to come out of the deck next. That can literally shift the advantage over from the house to the player. "In essence, …we would be required to allow an individual to come in and enjoy our gaming entertainment experience, the business we're in, for free and even potentially having to pay that individual for coming in and enjoying our gaming entertainment experience…"

RESPONSE: Casinos are in business to make money; that is a given. Their advertising makes no mention of their "price" for their service; it does, however, focus on the ability of everyone to be a winner. The computation of house advantage is based upon a player utilizing perfect basic strategy. Very few players exercise perfect strategy; therefore, the house advantage is typically much greater than one-half percentage point. The "lucky" player, i.e., one who does not use basic strategy, is at a 2% to 15% disadvantage. While a player who mirrors the dealer's play is at a disadvantage of 5-6%.

COMMENT: The proposed rule allows us to enact countermeasures. These countermeasures, however, negatively impact customers who are not card counters and "will make the experience worse for all of them than it is today." This could shift play to neighboring jurisdictions, which do not have such restrictions.

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RESPONSE: There could possibly be an impact on both casino and state revenue; the extent of the impact, however, is unknown. The question to the Commission is if it is wrong to bar a skilled player from participating in a game regulated by the state, should a reduction to state revenue be relevant.

SUMMARY OF OTHER COMMENTS: Rick Yuhas, Director of Tables Games for Harrah's Maryland Heights, at Mr. Jennings request, presented various countermeasures that could be implemented by casinos to lessen or negate the advantage realized by card counters, and the perceived impact of each.

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COMMENT: "…the Missouri Gaming Commission should focus on fairness and the integrity of casino gaming. To allow casino patrons to play licensed casino games with an unfair advantage will diminish public confidence in the fairness of casino gaming in the State of Missouri."

RESPONSE: Fairness is precisely what the proposed rules are attempting to address.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 2—Definitions

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends the Peace Officer Standards and Training Program rule as follows:

11 CSR 75-2.010 Definitions **is amended**.

A notice of proposed Rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 664–665). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 3—Certification of Bailiffs, Peace Officers, and Reserve Officers

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends the Peace Officer Standards and Training Program rule as follows:

11 CSR 75-3.020 Eligibility for Certification **is amended**.

A notice of proposed Rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 665). No changes have been made in the text of the proposed amendment, so it is not reprinted here.

This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 5—Certification of Training Centers

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends the Peace Officer Standards and Training Program rule as follows:

11 CSR 75-5.040 Minimum Requirements and Procedures for Training Centers **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 665). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 11—Continuing Education Requirements

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends the Peace Officer Standards and Training Program rule as follows:

11 CSR 75-11.035 Recognition of Out-of-State Continuing Education Training **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 665–666). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 11—Continuing Education Requirements

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-11.060 Application for Initial Probationary and Continuing POST Commission Approval of Continuing Education Providers **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 666). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 11—Continuing Education Requirements

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-11.070 Procedures for Continuing Education Course Providers **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 666). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1999, the commission amends a rule as follows:

12 CSR 40-40.090 Eligibility for Licenses **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2000 (25 MoReg 392). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 60—Payment of Prizes

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1999, the commission amends a rule as follows:

12 CSR 40-60.020 Cash Prizes **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2000 (25 MoReg 393). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 4—Older Americans Act

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Aging under section 660.050, RSMo Supp. 1999, the director amends a rule as follows:

13 CSR 15-4.050 Funding Formula and Fiscal Management **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 666–672). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 14—Intermediate Care and Skilled Nursing Facility

ORDER OF RULEMAKING

By the authority vested in the Division of Aging under section 198.079, RSMo 1994, the division amends a rule as follows:

13 CSR 15-14.042 Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 673). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received one (1) comment from an association during the thirty-day comment period.

COMMENT: Section (5)—In regard to Section (5) dealing with the licensed nursing home administrator, it is our opinion that when you add the last sentence . . . 30 consecutive-day absences may only occur once within any consecutive 12 month period. . . there should be some type of allowance for exceptions to this section. For an example, what happens if a nursing home administrator takes a sabbatical for 30 days in January and in November comes down with an unanticipated illness which enables them to not work for 30 days once again. The way this section now reads the administrator would not be able to take the 30 days off if they were ill.

RESPONSE: The division has determined that no changes are needed to this section because an exceptions process currently exists. Under section (4) of 13 CSR 15-10.010, the division may grant exceptions for specified periods of time to any rule imposed by the division if the division determines that the exception to the rule would not potentially jeopardize the health, safety or welfare of any residents of a long-term care facility.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 1—Organization and Description

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under sections 210.570, 210.610, 219.036.7, 219.041.2 and 219.051, RSMo 1994; and 219.016.6, 219.021.2, and 219.021.8, RSMo Supp. 1999, the director amends a rule as follows:

13 CSR 110-1.010 General Organization **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 678). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.010 Regional Classification Services **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 678–679). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director hereby rescinds a rule as follows:

13 CSR 110-2.020 Classification and Assignment from Reception Centers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2000 (25 MoReg 679). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.030 Special or Unique Service Needs **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 679–680). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.040 Classification Criteria for Placement into Division of Youth Services (DYS) Programs **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 680). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under sections 219.021.4, RSMo Supp. 1999 and 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.050 Transfers from One DYS Residential Facility to Another DYS Facility **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 681–682). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.060 Furlough Policies and Procedures **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 682). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under sections 219.021, RSMo Supp. 1999 and 219.036, RSMo 1994, the director rescinds a rule as follows:

13 CSR 110-2.070 Day Release Procedures **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2000 (25 MoReg 682–683). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.080 Runaway and Absconding Youth **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 683). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director hereby rescinds a rule as follows:

13 CSR 110-2.090 Hazardous Placement Policy **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2000 (25 MoReg 683–684). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.100 Grievance Procedures for Committed Youths **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 684). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.110 Responsibilities of Facility Managers **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 685). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under sections 219.036 and 219.051, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.120 Administrative Decisions Affecting the Constitutional Rights of Youths in DYS Facilities **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 685–686). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.130 Release of Youths from DYS Facilities **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 686). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.061, RSMo 1994, the director amends a rule as follows:

13 CSR 110-2.140 Confidentiality of Case Records **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 686–687). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.016, RSMo Supp. 1999, the director amends a rule as follows:

13 CSR 110-2.150 Division of Youth Services Staff Training Programs **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 687). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-3.010 Individual Treatment Plans **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 687–688). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director hereby adopts a rule as follows:

13 CSR 110-3.015 Safe Schools Act Procedures **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2000 (25 MoReg 688). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-3.020 Aftercare Involvement During Residential Treatment **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 688–689). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.036, RSMo 1994, the director amends a rule as follows:

13 CSR 110-3.030 Aftercare Supervision **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 689–690). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under sections 219.036 and 219.051, RSMo 1994, the director amends a rule as follows:

13 CSR 110-3.040 Revocation of Aftercare Supervision **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 690–691). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under sections 219.036 and 219.051, RSMo 1994, the director amends a rule as follows:

13 CSR 110-3.050 Instructions for the Implementation of Revocation Procedure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 691–693). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under section 219.051, RSMo 1994, the director amends a rule as follows:

13 CSR 110-3.060 Grievance Procedure for Youth in Aftercare **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 693). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 5—Dual Jurisdiction

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under sections 211.073 and 219.016, RSMo Supp. 1999 and section 219.036, RSMo 1994, the director hereby adopts a rule as follows:

13 CSR 110-5.010 Dual Jurisdiction Procedures **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2000 (25 MoReg 693–694). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 6—Juvenile Crime Bill

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Youth Services under sections 211.068, 211.071, 211.073, 211.141, 211.171, 211.181, 211.321 and 219.021, RSMo Supp. 1999 and 219.036, RSMo 1994, the director hereby adopts a rule as follows:

13 CSR 110-6.010 Juvenile Crime Bill Provisions and Procedures **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2000 (25 MoReg 694). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo Supp. 1999, the Director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following application has been granted. This credit union has met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo Supp. 1999.

Credit Union	Proposed New Group or Geographic Area
Purina Credit Union 1045 Chouteau St. Louis, MO 63102	Employees of Connexus, Inc. Employees of Security Armored Car Services, Inc.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo Supp. 1999, the Director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Central Electric Credit Union 2106 Jefferson Street Jefferson City, MO 65109	Employees of Central Electric Credit Union and Family Members Family Members of Eligible Members

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the ***Missouri Register****.*

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the July 31, 2000 Certificate of Need meeting. These applications are available for public inspection at the address shown below.

05/19/00

#2987 NS: Carmel Hills Living Center
$1,625,015, Replace 55-bed intermediate care facility
Independence (Jackson County)

#2986 HS: Bates County Memorial Hospital
$17,792,994, Modernize/expand facility
Butler (Bates County)

#2991 HS: Heartland Health
$48,657,315, Consolidate and expand services
St. Joseph (Buchanan County)

#2989 FS: Radiation Oncologists, P.C.
$1,606,680, Establish positron emission tomography service
Kansas City (Jackson County)

#2946 HS: Phelps County Regional Medical Center
$1,681,719, Replace magnetic resonance imager
Rolla (Phelps County)

#2985 HS: St. John's Mercy Medical Center
$2,022,336, Replace linear accelerator
St. Louis (St. Louis County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received at the address listed below by June 21, 2000. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: http://www.state.mo.us/oa/purch/purch.htm. Prospective bidders may receive specifications upon request.

B2Z00087 On-Line Legal Subscription Services 7/6/00;
B2Z00093 Facsimile Tranceivers-Plain Paper 7/6/00;
B3Z00216 Public Education Campaign, Children's Trust Fund 7/6/00;
B1Z00469 Food Products: Soup, Sauce & Gravy Mixes 7/7/00;
B2Z00052 Consulting Services: COOL Software Suite 7/11/00;
B3Z00160 Conference Services: Columbia, Jefferson City, Lake Ozark 7/13/00;
B2Z00077 Telephone Service-Toll Free 7/14/00;
B3Z00224 Print: Missouri State Income Tax Books 7/26/00;
B2Z00095 Project Management Training 8/8/00.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Transparent Data Management Facility (TDMF) Software, supplied by Amdahl Corporation.

Maintenance on Multigraphic Printing Equipment and Maintenance & Postage Meter Rental, supplied by Pitney Bowes.

Joyce Murphy, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				23 MoReg 2473 24 MoReg 2535
1 CSR 10-17.040	Office of Administration *(Changed from 1 CSR 40-1.080)*		25 MoReg 1062		
1 CSR 10-17.050	Office of Administration *(Changed from 1 CSR 40-1.070)*		25 MoReg 1062		
1 CSR 20-5.010	Personnel Advisory Board		25 MoReg 1195		
1 CSR 20-5.020	Personnel Advisory Board		25 MoReg 1196		
1 CSR 40-1.010	Purchasing and Materials Management		25 MoReg 1059		
1 CSR 40-1.030	Purchasing and Materials Management		25 MoReg 1059		
1 CSR 40-1.050	Purchasing and Materials Management		25 MoReg 1060		
1 CSR 40-1.060	Purchasing and Materials Management		25 MoReg 1061		
1 CSR 40-1.070	Purchasing and Materials Management *(Changed to 1 CSR 10-17.050)*		25 MoReg 1062		
1 CSR 40-1.080	Purchasing and Materials Management *(Changed to 1 CSR 10-17.040)*		25 MoReg 1062		
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 30-2.020	Animal Health		25 MoReg 633	25 MoReg 1643	
2 CSR 60-1.010	Grain Inspection and Warehousing		24 MoReg 2755	25 MoReg 1157	
2 CSR 60-4.011	Grain Inspection and Warehousing		24 MoReg 2755	25 MoReg 1157	
2 CSR 60-4.040	Grain Inspection and Warehousing		24 MoReg 2755R	25 MoReg 1157R	
2 CSR 60-4.070	Grain Inspection and Warehousing		24 MoReg 2756	25 MoReg 1157	
2 CSR 60-4.110	Grain Inspection and Warehousing		24 MoReg 2756	25 MoReg 1157	
2 CSR 60-4.140	Grain Inspection and Warehousing		24 MoReg 2757	25 MoReg 1158	
2 CSR 60-4.150	Grain Inspection and Warehousing		24 MoReg 2758	25 MoReg 1158	
2 CSR 60-4.180	Grain Inspection and Warehousing		24 MoReg 2758	25 MoReg 1158	
2 CSR 60-5.010	Grain Inspection and Warehousing		24 MoReg 2759	25 MoReg 1158	
2 CSR 60-5.020	Grain Inspection and Warehousing		24 MoReg 2759R 24 MoReg 2759	25 MoReg 1158R 25 MoReg 1158	
2 CSR 60-5.030	Grain Inspection and Warehousing		24 MoReg 2760R	25 MoReg 1159R	
2 CSR 60-5.040	Grain Inspection and Warehousing		24 MoReg 2760	25 MoReg 1159	
2 CSR 60-5.050	Grain Inspection and Warehousing		24 MoReg 2760	25 MoReg 1159	
2 CSR 60-5.070	Grain Inspection and Warehousing		24 MoReg 2761	25 MoReg 1159	
2 CSR 60-5.080	Grain Inspection and Warehousing		24 MoReg 2761	25 MoReg 1159	
2 CSR 60-5.100	Grain Inspection and Warehousing		24 MoReg 2762	25 MoReg 1160	
2 CSR 60-5.120	Grain Inspection and Warehousing		24 MoReg 2763	25 MoReg 1160	
2 CSR 80-5.010	State Milk Board		25 MoReg 357	25 MoReg 1643	
2 CSR 90-20.040	Weights and Measures		25 MoReg 760		
2 CSR 90-22.140	Weights and Measures		25 MoReg 760		
2 CSR 90-25.010	Weights and Measures		25 MoReg 761		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-1.010	Conservation Commission		25 MoReg 477	25 MoReg 1350	
3 CSR 10-4.110	Conservation Commission		25 MoReg 1385		
3 CSR 10-4.113	Conservation Commission		25 MoReg 1385		
3 CSR 10-4.115	Conservation Commission		25 MoReg 1386		
3 CSR 10-4.116	Conservation Commission		25 MoReg 633 25 MoReg 1393	25 MoReg 1475	
3 CSR 10-5.205	Conservation Commission		25 MoReg 1396		
3 CSR 10-5.215	Conservation Commission		25 MoReg 1396		
3 CSR 10-5.430	Conservation Commission		This Issue		
3 CSR 10-5.535	Conservation Commission		25 MoReg 1397		
3 CSR 10-6.405	Conservation Commission		25 MoReg 1399		
3 CSR 10-6.410	Conservation Commission		25 MoReg 1399		
3 CSR 10-6.415	Conservation Commission		25 MoReg 1400		
3 CSR 10-6.505	Conservation Commission		25 MoReg 1401		
3 CSR 10-6.510	Conservation Commission		25 MoReg 1402		
3 CSR 10-6.525	Conservation Commission		25 MoReg 1402		
3 CSR 10-6.530	Conservation Commission		25 MoReg 1402		
3 CSR 10-6.535	Conservation Commission		25 MoReg 1402		
3 CSR 10-6.545	Conservation Commission		25 MoReg 1403		
3 CSR 10-6.550	Conservation Commission		25 MoReg 1403 This Issue		
3 CSR 10-6.615	Conservation Commission		25 MoReg 1404		
3 CSR 10-7.410	Conservation Commission		25 MoReg 1404		
3 CSR 10-7.415	Conservation Commission		25 MoReg 1404		
3 CSR 10-7.417	Conservation Commission		25 MoReg 1405		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-7.420	Conservation Commission		25 MoReg 1405		
3 CSR 10-7.425	Conservation Commission		25 MoReg 1405		
3 CSR 10-7.430	Conservation Commission		25 MoReg 1405		
3 CSR 10-7.435	Conservation Commission		N.A.	25 MoReg 1475	
3 CSR 10-7.441	Conservation Commission		25 MoReg 1406		
3 CSR 10-7.445	Conservation Commission		25 MoReg 1406		
3 CSR 10-7.450	Conservation Commission		25 MoReg 1406		
3 CSR 10-7.455	Conservation Commission				24 MoReg 2989
			25 MoReg 1407		
3 CSR 10-8.515	Conservation Commission		N.A.	25 MoReg 1478	
3 CSR 10-9.110	Conservation Commission		25 MoReg 1407		
3 CSR 10-9.230	Conservation Commission		25 MoReg 1408		
3 CSR 10-9.420	Conservation Commission		25 MoReg 1408		
3 CSR 10-9.625	Conservation Commission		25 MoReg 1409		
3 CSR 10-9.627	Conservation Commission		25 MoReg 1409		
3 CSR 10-9.640	Conservation Commission		25 MoReg 1410		
3 CSR 10-9.645	Conservation Commission		25 MoReg 1412		
3 CSR 10-10.707	Conservation Commission		25 MoReg 1412		
3 CSR 10-10.782	Conservation Commission		25 MoReg 1412		
3 CSR 10-11.805	Conservation Commission		25 MoReg 1413		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 65-1.020	Endowed Care Cemeteries		25 MoReg 1197		
4 CSR 65-1.030	Endowed Care Cemeteries		25 MoReg 1197		
4 CSR 65-1.040	Endowed Care Cemeteries		25 MoReg 1197		
4 CSR 65-1.050	Endowed Care Cemeteries		25 MoReg 1202		
4 CSR 65-1.060	Endowed Care Cemeteries		25 MoReg 1205		
4 CSR 65-2.020	Endowed Care Cemeteries		25 MoReg 1205		
4 CSR 65-2.030	Endowed Care Cemeteries		25 MoReg 1208		
4 CSR 65-2.040	Endowed Care Cemeteries		25 MoReg 1212		
4 CSR 70-2.031	State Board of Chiropractic Examiners		25 MoReg 1215		
4 CSR 70-2.050	State Board of Chiropractic Examiners		25 MoReg 925		
4 CSR 70-2.080	State Board of Chiropractic Examiners		25 MoReg 1215		
4 CSR 70-2.090	State Board of Chiropractic Examiners		25 MoReg 1216		
4 CSR 70-2.100	State Board of Chiropractic Examiners		25 MoReg 925		
4 CSR 90-1.010	State Board of Cosmetology		25 MoReg 926		
4 CSR 90-2.010	State Board of Cosmetology		25 MoReg 928		
4 CSR 90-3.010	State Board of Cosmetology		25 MoReg 928		
4 CSR 90-4.020	State Board of Cosmetology		25 MoReg 931R		
			25 MoReg 931		
4 CSR 90-11.010	State Board of Cosmetology		25 MoReg 931		
4 CSR 90-13.010	State Board of Cosmetology		25 MoReg 932		
4 CSR 100	Division of Credit Unions				25 MoReg 1650
					25 MoReg 1650
					This Issue
					This Issue
4 CSR 100-2.045	Division of Credit Unions		25 MoReg 932		
4 CSR 100-2.190	Division of Credit Unions		25 MoReg 261	25 MoReg 1350	
4 CSR 105-3.040	Credit Union Commission		25 MoReg 360		
4 CSR 110-2.001	Missouri Dental Board		25 MoReg 477	This Issue	
4 CSR 110-2.090	Missouri Dental Board		25 MoReg 1216		
4 CSR 110-2.130	Missouri Dental Board		25 MoReg 478R	This IssueR	
			25 MoReg 478	This Issue	
4 CSR 115-1.010	State Committee of Dietitians		25 MoReg 934		
4 CSR 115-1.020	State Committee of Dietitians		25 MoReg 937		
4 CSR 115-1.030	State Committee of Dietitians		25 MoReg 940		
4 CSR 115-1.040	State Committee of Dietitians		25 MoReg 943		
4 CSR 115-2.010	State Committee of Dietitians		25 MoReg 943		
4 CSR 115-2.020	State Committee of Dietitians		25 MoReg 947		
4 CSR 115-2.030	State Committee of Dietitians		25 MoReg 948		
4 CSR 115-2.040	State Committee of Dietitians		25 MoReg 951		
4 CSR 115-2.050	State Committee of Dietitians		25 MoReg 955		
4 CSR 120-1.030	Board of Embalmers and Funeral Directors		25 MoReg 959		
4 CSR 120-2.010	Board of Embalmers and Funeral Directors		25 MoReg 959		
4 CSR 120-2.060	Board of Embalmers and Funeral Directors		25 MoReg 960		
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		25 MoReg 261	25 MoReg 1350	
4 CSR 150-2.001	State Board of Registration for the Healing Arts		25 MoReg 485		
4 CSR 150-2.005	State Board of Registration for the Healing Arts		25 MoReg 485		
4 CSR 150-2.065	State Board of Registration for the Healing Arts		25 MoReg 485		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		25 MoReg 261	25 MoReg 1350	
4 CSR 150-2.100	State Board of Registration for the Healing Arts		25 MoReg 486		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		25 MoReg 1217		
4 CSR 150-3.170	State Board of Registration for the Healing Arts		25 MoReg 1217		
4 CSR 150-3.203	State Board of Registration for the Healing Arts		25 MoReg 486		
4 CSR 150-4.051	State Board of Registration for the Healing Arts		25 MoReg 487		
4 CSR 150-4.055	State Board of Registration for the Healing Arts		25 MoReg 487		
4 CSR 150-4.060	State Board of Registration for the Healing Arts		25 MoReg 488		
4 CSR 150-4.105	State Board of Registration for the Healing Arts		25 MoReg 488		
4 CSR 150-4.110	State Board of Registration for the Healing Arts`		25 MoReg 489R		
			25 MoReg 489		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 150-4.115	State Board of Registration for the Healing Arts		25 MoReg 490R 25 MoReg 490		
4 CSR 150-4.120	State Board of Registration for the Healing Arts		25 MoReg 491R 25 MoReg 491		
4 CSR 150-4.125	State Board of Registration for the Healing Arts		25 MoReg 496		
4 CSR 150-4.130	State Board of Registration for the Healing Arts		25 MoReg 496		
4 CSR 150-4.200	State Board of Registration for the Healing Arts		25 MoReg 496		
4 CSR 150-4.201	State Board of Registration for the Healing Arts		25 MoReg 497		
4 CSR 150-4.203	State Board of Registration for the Healing Arts		25 MoReg 497		
4 CSR 150-4.205	State Board of Registration for the Healing Arts		25 MoReg 498		
4 CSR 150-4.210	State Board of Registration for the Healing Arts		25 MoReg 503		
4 CSR 150-4.215	State Board of Registration for the Healing Arts		25 MoReg 503		
4 CSR 150-6.020	State Board of Registration for the Healing Arts		25 MoReg 507		
4 CSR 150-6.025	State Board of Registration for the Healing Arts		25 MoReg 507		
4 CSR 150-6.030	State Board of Registration for the Healing Arts		25 MoReg 512		
4 CSR 150-6.060	State Board of Registration for the Healing Arts		25 MoReg 512		
4 CSR 150-6.070	State Board of Registration for the Healing Arts		25 MoReg 517		
4 CSR 150-7.100	State Board of Registration for the Healing Arts		25 MoReg 517		
4 CSR 150-7.120	State Board of Registration for the Healing Arts		25 MoReg 517		
4 CSR 150-7.122	State Board of Registration for the Healing Arts		25 MoReg 518		
4 CSR 150-7.125	State Board of Registration for the Healing Arts		25 MoReg 518		
4 CSR 150-7.140	State Board of Registration for the Healing Arts		25 MoReg 519		
4 CSR 150-7.200	State Board of Registration for the Healing Arts		25 MoReg 521		
4 CSR 150-7.300	State Board of Registration for the Healing Arts		25 MoReg 521		
4 CSR 150-7.310	State Board of Registration for the Healing Arts		25 MoReg 527		
4 CSR 155-1.010	Office of Health Care Providers		25 MoReg 531	25 MoReg 1643	
4 CSR 155-1.020	Office of Health Care Providers		25 MoReg 531	25 MoReg 1643	
4 CSR 193-1.010	Interior Design Council		25 MoReg 761		
4 CSR 193-1.020	Interior Design Council		25 MoReg 761		
4 CSR 193-1.030	Interior Design Council		25 MoReg 765		
4 CSR 193-2.010	Interior Design Council		25 MoReg 769		
4 CSR 193-2.020	Interior Design Council		25 MoReg 773		
4 CSR 193-2.030	Interior Design Council		25 MoReg 773		
4 CSR 193-2.040	Interior Design Council		25 MoReg 773		
4 CSR 193-3.010	Interior Design Council		25 MoReg 778		
4 CSR 193-3.020	Interior Design Council		25 MoReg 778		
4 CSR 193-4.010	Interior Design Council		25 MoReg 782		
4 CSR 193-5.010	Interior Design Council		25 MoReg 782		
4 CSR 193-6.010	Interior Design Council		25 MoReg 786		
4 CSR 193-6.020	Interior Design Council		25 MoReg 789		
4 CSR 193-6.030	Interior Design Council		25 MoReg 792		
4 CSR 195-5.010	Workforce Development		24 MoReg 2314 25 MoReg 962		
4 CSR 195-5.020	Workforce Development		24 MoReg 2315 25 MoReg 962		
4 CSR 195-5.030	Workforce Development		24 MoReg 2318 25 MoReg 966		
4 CSR 196-1.020	Landscape Architectural Council		This Issue		
4 CSR 196-2.010	Landscape Architectural Council		This Issue		
4 CSR 196-2.020	Landscape Architectural Council		This Issue		
4 CSR 196-5.010	Landscape Architectural Council		This Issue		
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4 CSR 197-4.020	Board of Therapeutic Massage		25 MoReg 829		
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4 CSR 220-4.010	State Board of Pharmacy		25 MoReg 973		
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4 CSR 250-8.070	Missouri Real Estate Commission		25 MoReg 360	25 MoReg 1481	
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4 CSR 255-2.040	Missouri Board for Respiratory Care		25 MoReg 262	25 MoReg 1351	
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5 CSR 30-345.010	Division of School Services		25 MoReg 533	This Issue	
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5 CSR 80-800.220	Urban and Teacher Education		25 MoReg 1420		
5 CSR 80-800.230	Urban and Teacher Education		25 MoReg 1425		
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5 CSR 80-800.370	Urban and Teacher Education		25 MoReg 1450		
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7 CSR 10-8.041	Highways and Transportation Commission	25 MoReg 1537	25 MoReg 1574		
7 CSR 10-8.050	Highways and Transportation Commission	25 MoReg 1537R	25 MoReg 1574R		
7 CSR 10-8.051	Highways and Transportation Commission	25 MoReg 1538	25 MoReg 1575		
7 CSR 10-8.060	Highways and Transportation Commission	25 MoReg 1541R	25 MoReg 1582R		
7 CSR 10-8.061	Highways and Transportation Commission	25 MoReg 1542	25 MoReg 1582		
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9 CSR 10-7.030	Director, Department of Mental Health				24 MoReg 2879RUC
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10 CSR 10-5.380	Air Conservation Commission	24 MoReg 2935	25 MoReg 14	25 MoReg 1482	
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10 CSR 40-3.050	Land Reclamation Commission		25 MoReg 1070		
10 CSR 40-3.080	Land Reclamation Commission		25 MoReg 1071		
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10 CSR 40-4.010	Land Reclamation Commission		25 MoReg 1079		
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10 CSR 40-4.050	Land Reclamation Commission		25 MoReg 1081		
10 CSR 40-5.010	Land Reclamation Commission		25 MoReg 1081		
10 CSR 40-6.010	Land Reclamation Commission		25 MoReg 1082		
10 CSR 40-6.020	Land Reclamation Commission		25 MoReg 1083		
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10 CSR 40-6.040	Land Reclamation Commission		25 MoReg 1084		
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11 CSR 75-6.030	Peace Officer Standards and Training		25 MoReg 1631		
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11 CSR 80-2.010	Missouri State Water Patrol		25 MoReg 290	25 MoReg 1645	
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12 CSR 10-3.516	Director of Revenue		25 MoReg 1456R		
12 CSR 10-3.518	Director of Revenue		25 MoReg 1456R		
12 CSR 10-3.520	Director of Revenue		25 MoReg 1456R		
12 CSR 10-3.526	Director of Revenue		25 MoReg 1456R		
12 CSR 10-3.528	Director of Revenue		25 MoReg 1457R		
12 CSR 10-3.530	Director of Revenue		25 MoReg 1457R		
12 CSR 10-3.590	Director of Revenue		This IssueR		
12 CSR 10-3.834	Director of Revenue		This IssueR		
12 CSR 10-3.850	Director of Revenue		This IssueR		
12 CSR 10-3.852	Director of Revenue		25 MoReg 1457R		
12 CSR 10-3.866	Director of Revenue		This IssueR		
12 CSR 10-4.145	Director of Revenue		This IssueR		
12 CSR 10-4.255	Director of Revenue		25 MoReg 1457R		
12 CSR 10-4.260	Director of Revenue		25 MoReg 1458R		
12 CSR 10-4.265	Director of Revenue		25 MoReg 1458R		
12 CSR 10-4.275	Director of Revenue		25 MoReg 1458R		
12 CSR 10-4.330	Director of Revenue		25 MoReg 1458R		

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12 CSR 10-5.080	Director of Revenue		25 MoReg 1459R		
12 CSR 10-11.150	Director of Revenue		25 MoReg 1459R		
12 CSR 10-23.100	Director of Revenue		25 MoReg 557	25 MoReg 1647	
12 CSR 10-24.050	Director of Revenue		25 MoReg 1459		
12 CSR 10-24.100	Director of Revenue		This Issue		
12 CSR 10-24.110	Director of Revenue		This Issue		
12 CSR 10-24.140	Director of Revenue		This Issue		
12 CSR 10-24.310	Director of Revenue		This IssueR		
12 CSR 10-24.450	Director of Revenue		25 MoReg 1114		
12 CSR 10-24.452	Director of Revenue		25 MoReg 1114		
12 CSR 10-24.460	Director of Revenue		This Issue		
12 CSR 10-25.030	Director of Revenue		This Issue		
12 CSR 10-25.090	Director of Revenue		25 MoReg 392R	25 MoReg 1487R	
12 CSR 10-101.500	Director of Revenue		25 MoReg 19	25 MoReg 1352	
12 CSR 10-103.200	Director of Revenue		25 MoReg 292	25 MoReg 1487	
12 CSR 10-103.610	Director of Revenue		25 MoReg 293	25 MoReg 1488	
12 CSR 10-110.900	Director of Revenue		25 MoReg 20	25 MoReg 1160	
12 CSR 10-110.910	Director of Revenue		25 MoReg 294	25 MoReg 1647	
12 CSR 10-110.920	Director of Revenue		25 MoReg 295	25 MoReg 1647	
12 CSR 10-111.013	Director of Revenue (*Changed to 12 CSR 10-110.013)*		24 MoReg 2632	25 MoReg 558	
12 CSR 10-111.060	Director of Revenue		25 MoReg 23	25 MoReg 1160	
12 CSR 10-115.100	Director of Revenue		25 MoReg 1459		
12 CSR 30-4.010	State Tax Commission		25 MoReg 296	25 MoReg 1488	
12 CSR 40-40.090	State Lottery		25 MoReg 392	This Issue	
12 CSR 40-60.020	State Lottery		25 MoReg 393	This Issue	
12 CSR 40-85.005	State Lottery		This Issue		
12 CSR 40-85.010	State Lottery		This Issue		
12 CSR 40-85.030	State Lottery		This Issue		
12 CSR 40-85.050	State Lottery		This Issue		
12 CSR 40-85.060	State Lottery		This Issue		
12 CSR 40-85.080	State Lottery		This Issue		
12 CSR 40-85.110	State Lottery		This IssueR		
12 CSR 40-85.120	State Lottery		This IssueR		
12 CSR 40-85.130	State Lottery		This IssueR		
12 CSR 40-85.140	State Lottery		This Issue		
12 CSR 40-85.150	State Lottery		This IssueR		
12 CSR 40-85.160	State Lottery		This IssueR		
12 CSR 40-95.010	State Lottery		This Issue		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 15-4.050	Division of Aging		25 MoReg 666	This Issue	
13 CSR 15-4.240	Division of Aging		25 MoReg 1639		
13 CSR 15-7.005	Division of Aging		25 MoReg 1639		
13 CSR 15-7.060	Division of Aging		25 MoReg 1640		
13 CSR 15-10.070	Division of Aging	25 MoReg 1193	25 MoReg 1227		
13 CSR 15-14.042	Division of Aging		25 MoReg 673	This Issue	
13 CSR 15-15.022	Division of Aging		25 MoReg 855		
13 CSR 15-15.045	Division of Aging		25 MoReg 1460		
13 CSR 30-8.010	Child Support Enforcement		25 MoReg 1115		
13 CSR 30-9.010	Child Support Enforcement		25 MoReg 674		
13 CSR 70-3.020	Medical Services		24 MoReg 1742		
13 CSR 70-3.030	Medical Services		24 MoReg 1743		
13 CSR 70-3.130	Medical Services		24 MoReg 1747		
13 CSR 70-4.051	Medical Services		25 MoReg 1641		
13 CSR 70-10.110	Medical Services		25 MoReg 867		
13 CSR 70-15.010	Medical Services	24 MoReg 2938 25 MoReg 1383T	25 MoReg 204 25 MoReg 1383	25 MoReg 1352 25 MoReg 1468	
13 CSR 70-15.110	Medical Services		25 MoReg 988		
13 CSR 110-1.010	Division of Youth Services		25 MoReg 678	This Issue	
13 CSR 110-2.010	Division of Youth Services		25 MoReg 678	This Issue	
13 CSR 110-2.020	Division of Youth Services		25 MoReg 679	This Issue	
13 CSR 110-2.030	Division of Youth Services		25 MoReg 679	This Issue	
13 CSR 110-2.040	Division of Youth Services		25 MoReg 680	This Issue	
13 CSR 110-2.050	Division of Youth Services		25 MoReg 681	This Issue	
13 CSR 110-2.060	Division of Youth Services		25 MoReg 682	This Issue	
13 CSR 110-2.070	Division of Youth Services		25 MoReg 682R	This IssueR	
13 CSR 110-2.080	Division of Youth Services		25 MoReg 683	This Issue	
13 CSR 110-2.090	Division of Youth Services		25 MoReg 683R	This IssueR	
13 CSR 110-2.100	Division of Youth Services		25 MoReg 684	This Issue	
13 CSR 110-2.110	Division of Youth Services		25 MoReg 685	This Issue	
13 CSR 110-2.120	Division of Youth Services		25 MoReg 685	This Issue	
13 CSR 110-2.130	Division of Youth Services		25 MoReg 686	This Issue	
13 CSR 110-2.140	Division of Youth Services		25 MoReg 686	This Issue	
13 CSR 110-2.150	Division of Youth Services		25 MoReg 687	This Issue	
13 CSR 110-3.010	Division of Youth Services		25 MoReg 687	This Issue	
13 CSR 110-3.015	Division of Youth Services		25 MoReg 688	This Issue	
13 CSR 110-3.020	Division of Youth Services		25 MoReg 688	This Issue	
13 CSR 110-3.030	Division of Youth Services		25 MoReg 689	This Issue	
13 CSR 110-3.040	Division of Youth Services		25 MoReg 690	This Issue	
13 CSR 110-3.050	Division of Youth Services		25 MoReg 691	This Issue	
13 CSR 110-3.060	Division of Youth Services		25 MoReg 693	This Issue	

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13 CSR 110-5.010	Division of Youth Services		25 MoReg 693	This Issue	
13 CSR 110-6.010	Division of Youth Services		25 MoReg 694	This Issue	
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15 CSR 40-2.031	State Auditor		25 MoReg 1642		
15 CSR 60-11.010	Attorney General		24 MoReg 1103		
15 CSR 60-11.020	Attorney General		24 MoReg 1104		
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16 CSR 30-2.030	Missouri State Employees' Retirement System		25 MoReg 990R		
16 CSR 30-2.031	Missouri State Employees' Retirement System		25 MoReg 990R		
16 CSR 30-2.040	Missouri State Employees' Retirement System		25 MoReg 990R		
16 CSR 30-2.050	Missouri State Employees' Retirement System		25 MoReg 990R		
16 CSR 30-2.070	Missouri State Employees' Retirement System		25 MoReg 991R		
16 CSR 30-2.120	Missouri State Employees' Retirement System		25 MoReg 991R		
16 CSR 30-2.130	Missouri State Employees' Retirement System		25 MoReg 991R		
16 CSR 30-2.140	Missouri State Employees' Retirement System		25 MoReg 992R		
16 CSR 30-2.150	Missouri State Employees' Retirement System		25 MoReg 992R		
16 CSR 30-2.160	Missouri State Employees' Retirement System		25 MoReg 992R		
16 CSR 30-2.181	Missouri State Employees' Retirement System		25 MoReg 992R		
16 CSR 30-2.190	Missouri State Employees' Retirement System		25 MoReg 993R		
16 CSR 30-2.210	Missouri State Employees' Retirement System		25 MoReg 993R		
16 CSR 30-2.220	Missouri State Employees' Retirement System		25 MoReg 993R		
16 CSR 30-2.240	Missouri State Employees' Retirement System		25 MoReg 994R		
16 CSR 30-2.241	Missouri State Employees' Retirement System		25 MoReg 994R		
16 CSR 30-2.242	Missouri State Employees' Retirement System		25 MoReg 994R		
16 CSR 30-2.250	Missouri State Employees' Retirement System		25 MoReg 995R		
16 CSR 30-2.260	Missouri State Employees' Retirement System		25 MoReg 995R		
16 CSR 30-2.270	Missouri State Employees' Retirement System		25 MoReg 995R		
16 CSR 30-2.280	Missouri State Employees' Retirement System		25 MoReg 996R		
16 CSR 30-2.285	Missouri State Employees' Retirement System		25 MoReg 996R		
16 CSR 30-2.290	Missouri State Employees' Retirement System		25 MoReg 996R		
16 CSR 30-2.300	Missouri State Employees' Retirement System		25 MoReg 996R		
16 CSR 30-2.310	Missouri State Employees' Retirement System		25 MoReg 997R		
16 CSR 30-2.311	Missouri State Employees' Retirement System		25 MoReg 997R		
16 CSR 30-2.320	Missouri State Employees' Retirement System		25 MoReg 997R		
16 CSR 30-2.330	Missouri State Employees' Retirement System		25 MoReg 998R		
16 CSR 50-1.010	The County Employees' Retirement Fund		25 MoReg 1116		
16 CSR 50-1.020	The County Employees' Retirement Fund		25 MoReg 1117		
16 CSR 50-1.030	The County Employees' Retirement Fund		25 MoReg 1117		
16 CSR 50-2.010	The County Employees' Retirement Fund		25 MoReg 1117R 25 MoReg 1118		
16 CSR 50-2.020	The County Employees' Retirement Fund		25 MoReg 1119R 25 MoReg 1120		
16 CSR 50-2.030	The County Employees' Retirement Fund		25 MoReg 1120R 25 MoReg 1121		
16 CSR 50-2.035	The County Employees' Retirement Fund		25 MoReg 1121R 25 MoReg 1121		
16 CSR 50-2.040	The County Employees' Retirement Fund		25 MoReg 1123R 25 MoReg 1123		
16 CSR 50-2.050	The County Employees' Retirement Fund		25 MoReg 1124R 25 MoReg 1124		
16 CSR 50-2.060	The County Employees' Retirement Fund		25 MoReg 1124R		
16 CSR 50-2.080	The County Employees' Retirement Fund		25 MoReg 1125		
16 CSR 50-2.090	The County Employees' Retirement Fund		25 MoReg 1125		
16 CSR 50-2.100	The County Employees' Retirement Fund		25 MoReg 1126		
16 CSR 50-2.110	The County Employees' Retirement Fund		25 MoReg 1126		
16 CSR 50-2.120	The County Employees' Retirement Fund		25 MoReg 1127		
16 CSR 50-2.130	The County Employees' Retirement Fund		25 MoReg 1127		
16 CSR 50-2.140	The County Employees' Retirement Fund		25 MoReg 1128		
16 CSR 50-2.150	The County Employees' Retirement Fund		25 MoReg 1128		
16 CSR 50-2.160	The County Employees' Retirement Fund		25 MoReg 1131		
16 CSR 50-3.010	The County Employees' Retirement Fund		25 MoReg 1131R 25 MoReg 1131		
16 CSR 50-3.020	The County Employees' Retirement Fund		25 MoReg 1132R		
16 CSR 50-3.030	The County Employees' Retirement Fund		25 MoReg 1132R		
16 CSR 50-3.040	The County Employees' Retirement Fund		25 MoReg 1133R		
16 CSR 50-3.050	The County Employees' Retirement Fund		25 MoReg 1133R		
16 CSR 50-3.060	The County Employees' Retirement Fund		25 MoReg 1133		
16 CSR 50-3.070	The County Employees' Retirement Fund		25 MoReg 1134		
16 CSR 50-3.080	The County Employees' Retirement Fund		25 MoReg 1134R		
16 CSR 50-3.090	The County Employees' Retirement Fund		25 MoReg 1134R		
16 CSR 50-10.010	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.020	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.030	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.040	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.050	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.060	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.070	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.080	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.090	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.010	The County Employees' Retirement Fund		This Issue		

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16 CSR 50-20.020	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.030	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.050	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.060	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.070	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.080	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.090	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.100	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.110	The County Employees' Retirement Fund		This Issue		
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17 CSR 10-2.010	Kansas City Board of Police Commissioners		25 MoReg 393R 25 MoReg 393		
17 CSR 10-2.020	Kansas City Board of Police Commissioners		25 MoReg 400R 25 MoReg 400		
17 CSR 10-2.030	Kansas City Board of Police Commissioners		25 MoReg 404R 25 MoReg 404		
17 CSR 10-2.040	Kansas City Board of Police Commissioners		25 MoReg 405R 25 MoReg 405		
17 CSR 10-2.050	Kansas City Board of Police Commissioners		25 MoReg 413R 25 MoReg 413		
17 CSR 10-2.055	Kansas City Board of Police Commissioners		25 MoReg 418R 25 MoReg 418		
17 CSR 10-2.060	Kansas City Board of Police Commissioners		25 MoReg 423R 25 MoReg 423		
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19 CSR 20-20.010	Division of Environmental Health and Communicable Disease Prevention	This Issue	This Issue		
19 CSR 20-20.020	Division of Environmental Health and Communicable Disease Prevention	This Issue	This Issue		
19 CSR 20-20.080	Division of Environmental Health and Communicable Disease Prevention	This IssueR This Issue	This IssueR This Issue		
19 CSR 20-26.030	Division of Environmental Health and Communicable Disease Prevention	This Issue	This Issue		
19 CSR 20-26.040	Division of Environmental Health and Communicable Disease Prevention	This Issue	This Issue		
19 CSR 20-26.070	Division of Environmental Health and Communicable Disease Prevention		This Issue		
19 CSR 30-1.002	Division of Health Standards and Licensure		25 MoReg 1233		
19 CSR 30-1.004	Division of Health Standards and Licensure		25 MoReg 1240		
19 CSR 30-1.006	Division of Health Standards and Licensure		25 MoReg 1240		
19 CSR 30-1.008	Division of Health Standards and Licensure		25 MoReg 1241		
19 CSR 30-1.010	Division of Health Standards and Licensure		25 MoReg 1242R		
19 CSR 30-1.011	Division of Health Standards and Licensure		25 MoReg 1242		
19 CSR 30-1.013	Division of Health Standards and Licensure		25 MoReg 1243		
19 CSR 30-1.015	Division of Health Standards and Licensure		25 MoReg 1248		
19 CSR 30-1.017	Division of Health Standards and Licensure		25 MoReg 1251		
19 CSR 30-1.019	Division of Health Standards and Licensure		25 MoReg 1257		
19 CSR 30-1.020	Division of Health Standards and Licensure		25 MoReg 1257R		
19 CSR 30-1.023	Division of Health Standards and Licensure		25 MoReg 1257		
19 CSR 30-1.025	Division of Health Standards and Licensure		25 MoReg 1258R		
19 CSR 30-1.026	Division of Health Standards and Licensure		25 MoReg 1258		
19 CSR 30-1.027	Division of Health Standards and Licensure		25 MoReg 1259		
19 CSR 30-1.030	Division of Health Standards and Licensure		25 MoReg 1259R		
19 CSR 30-1.031	Division of Health Standards and Licensure		25 MoReg 1259		
19 CSR 30-1.032	Division of Health Standards and Licensure		25 MoReg 1260		
19 CSR 30-1.033	Division of Health Standards and Licensure		25 MoReg 1264R		
19 CSR 30-1.034	Division of Health Standards and Licensure		25 MoReg 1264		
19 CSR 30-1.035	Division of Health Standards and Licensure		25 MoReg 1272R		
19 CSR 30-1.036	Division of Health Standards and Licensure		25 MoReg 1272R		
19 CSR 30-1.041	Division of Health Standards and Licensure		25 MoReg 1272		
19 CSR 30-1.042	Division of Health Standards and Licensure		25 MoReg 1278		
19 CSR 30-1.044	Division of Health Standards and Licensure		25 MoReg 1284		
19 CSR 30-1.046	Division of Health Standards and Licensure		25 MoReg 1288		
19 CSR 30-1.048	Division of Health Standards and Licensure		25 MoReg 1291		
19 CSR 30-1.050	Division of Health Standards and Licensure		25 MoReg 1298		
19 CSR 30-1.052	Division of Health Standards and Licensure		25 MoReg 1301		
19 CSR 30-1.060	Division of Health Standards and Licensure		25 MoReg 1304		
19 CSR 30-1.062	Division of Health Standards and Licensure		25 MoReg 1304		
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19 CSR 30-1.072	Division of Health Standards and Licensure		25 MoReg 1321		
19 CSR 30-1.074	Division of Health Standards and Licensure		25 MoReg 1321		
19 CSR 30-1.076	Division of Health Standards and Licensure		25 MoReg 1321		
19 CSR 30-1.078	Division of Health Standards and Licensure		25 MoReg 1325		
19 CSR 30-2.010	Division of Health Standards and Licensure		25 MoReg 1330		
19 CSR 30-2.020	Division of Health Standards and Licensure		25 MoReg 1330		
19 CSR 30-2.030	Division of Health Standards and Licensure		25 MoReg 1333		

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19 CSR 30-2.040	Division of Health Standards and Licensure		25 MoReg 1336		
19 CSR 30-2.060	Division of Health Standards and Licensure		25 MoReg 1341		
19 CSR 30-2.070	Division of Health Standards and Licensure		25 MoReg 1341		
19 CSR 30-2.080	Division of Health Standards and Licensure		25 MoReg 1341		
19 CSR 30-2.090	Division of Health Standards and Licensure		25 MoReg 1342		
19 CSR 30-60.010	Division of Health Standards and Licensure	25 MoReg 753	25 MoReg 870		
19 CSR 30-60.020	Division of Health Standards and Licensure	25 MoReg 753	25 MoReg 870		
19 CSR 30-60.030	Division of Health Standards and Licensure	25 MoReg 754	25 MoReg 873		
19 CSR 30-60.040	Division of Health Standards and Licensure	25 MoReg 754	25 MoReg 876		
19 CSR 30-60.050	Division of Health Standards and Licensure	25 MoReg 755	25 MoReg 876		
19 CSR 30-60.060	Division of Health Standards and Licensure	25 MoReg 755	25 MoReg 876		
19 CSR 30-60.070	Division of Health Standards and Licensure	25 MoReg 756	25 MoReg 879		
19 CSR 30-60.080	Division of Health Standards and Licensure	25 MoReg 756	25 MoReg 879		
19 CSR 30-60.090	Division of Health Standards and Licensure	25 MoReg 756	25 MoReg 881		
19 CSR 30-60.100	Division of Health Standards and Licensure	25 MoReg 757	25 MoReg 884		
19 CSR 30-60.110	Division of Health Standards and Licensure	25 MoReg 757	25 MoReg 884		
19 CSR 30-60.120	Division of Health Standards and Licensure	25 MoReg 758	25 MoReg 884		
19 CSR 30-62.087	Division of Health Standards and Licensure	25 MoReg 758	25 MoReg 884		
19 CSR 40-5.050	Maternal, Child and Family Health		25 MoReg 1349		
19 CSR 40-3.010	Maternal, Child and Family Health		25 MoReg 694		
19 CSR 40-13.010	Maternal, Child and Family Health		24 MoReg 515		
19 CSR 40-13.020	Maternal, Child and Family Health		24 MoReg 526		
19 CSR 40-13.030	Maternal, Child and Family Health		24 MoReg 527		
19 CSR 60-50.300	Missouri Health Facilities Review		25 MoReg 206	25 MoReg 1647	
19 CSR 60-50.420	Missouri Health Facilities Review				25 MoReg 897 25 MoReg 1163 25 MoReg 1489 This Issue
19 CSR 60-50.470	Missouri Health Facilities Review		25 MoReg 207		
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20 CSR	Medical Malpractice				23 MoReg 514 24 MoReg 682 25 MoReg 597
	Sovereign Immunity Limits				25 MoReg 724
20 CSR 500-6.700	Property and Casualty		25 MoReg 1134		

Emergency Rules in Effect as of July 3, 2000 — Expires

Department of Transportation

Missouri Highways and Transportation Commission

7 CSR 10-8.010	General Information	November 6, 2000
7 CSR 10-8.011	Definitions	November 6, 2000
7 CSR 10-8.020	Definitions	November 6, 2000
7 CSR 10-8.021	General Information	November 6, 2000
7 CSR 10-8.030	Procedures for Certifying Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.031	Who is Governed and Bound by the USDOT and MoDOT DBE Program Regulations	November 6, 2000
7 CSR 10-8.040	Procedures for Certification Renewal of Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.041	Effective Date of the DBE Program Under 49 CFR Part 26	November 6, 2000
7 CSR 10-8.050	Challenge Procedures for Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.051	Procedures and Policies for Initially Certifying and Recertifying Disadvantaged Business Enterprise Firms	November 6, 2000
7 CSR 10-8.060	Requirements to Participate in a Mentor-Protege Agreement	November 6, 2000
7 CSR 10-8.061	Missouri Unified Certification Program	November 6, 2000
7 CSR 10-8.070	Decertification Procedures for Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.071	DBE Program Reporting and Disclosure Requirements for Currently Certified DBE Firms	November 6, 2000
7 CSR 10-8.080	Determination and Review Procedures Governing the Failure to Perform a Commercially Use Function	November 6, 2000
7 CSR 10-8.081	Ineligibility Complaints	November 6, 2000
7 CSR 10-8.090	Finality of Department Determination in the Disadvantaged Business Enterprise Program	November 6, 2000
7 CSR 10-8.091	MoDOT Procedures and Hearings to Remove a Firm's DBE Eligibility	November 6, 2000
7 CSR 10-8.101	The Effect of a USDOT Certification Appeal	November 6, 2000
7 CSR 10-8.111	Prompt Payment, Recordkeeping and Audit Requirements	November 6, 2000
7 CSR 10-8.121	MoDOT DBE Program Annual Goals and Contract Goals	November 6, 2000
7 CSR 10-8.131	DBE Participation Credit Toward Project or Contract Goals	November 6, 2000
7 CSR 10-8.141	USDOT-Assisted DBE Contract Awards and Good-Faith Efforts	November 6, 2000
7 CSR 10-8.151	Performance of a Commercially Useful Function by a DBE Firm	November 6, 2000
7 CSR 10-8.161	Confidentiality of DBE Program Financial and Other Information	November 6, 2000
7 CSR 10-8.200	Disadvantaged Business Enterprise Set-Aside Program General	November 6, 2000
7 CSR 10-8.210	Definitions	November 6, 2000
7 CSR 10-8.220	Eligibility for Participation in the Commission's DBE Set-Aside Program	November 6, 2000
7 CSR 10-8.230	Publication of Qualified DBE's and Joint Ventures in the DBE Directory	November 6, 2000
7 CSR 10-8.240	Retaining Qualification to Participate in the Commission's DBE Set-Aside Program	November 6, 2000
7 CSR 10-8.250	Bidding Limitations on Qualified Firms and Joint Ventures Having Active Commission DBE Set-Aside Contracts	November 6, 2000
7 CSR 10-8.260	DBE Subcontracting Goals for the Commission's DBE Set-Aside Program Contracts	November 6, 2000
7 CSR 10-8.270	Disqualification of a Firm or Joint Venture from the DBE Set-Aside Program	November 6, 2000
7 CSR 10-14.020	Definitions	August 15, 2000
7 CSR 10-14.030	Application for Participation	August 15, 2000
7 CSR 10-14.040	Agreements; Responsibilities of Adopter and Commission	August 15, 2000

Department of Public Safety

Office of the Director

11 CSR 30-9.010	Definition	August 26, 2000
11 CSR 30-9.020	Participation Eligibility Requirements	August 26, 2000
11 CSR 30-9.030	Reimbursement Criteria	August 26, 2000
11 CSR 30-9.040	Operation Payback Restrictions	August 26, 2000
11 CSR 30-9.050	Organization Disqualification	August 26, 2000

Missouri Gaming Commission

11 CSR 45-11.110	Refund—Claim for Refund	February 22, 2001

Missouri State Highway Patrol

11 CSR 50-2.400	Emission Test Procedures	September 27, 2000

Department of Social Services

Division of Aging

13 CSR 15-10.070	Alzheimer's Demonstration Projects	February 1, 2001

Division of Medical Services

13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	Terminated May 4, 2000

13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	November 6, 2000

Department of Health

Division of Environmental Health and Communicable Disease Prevention

19 CSR 20-20.010	Definitions Relating to Communicable, Environmental and Occupational Diseases	December 11, 2000
19 CSR 20-20.020	Reporting Communicable, Environmental and Occupational Diseases	December 11, 2000
19 CSR 20-20.080	Duties of Laboratories	December 11, 2000
19 CSR 20-20.080	Duties of Laboratories	December 11, 2000
19 CSR 20-20.100	Tuberculosis Testing for Residents and Workers in Long-Term Care Facilities and State Correctional Centers	February 22, 2001
19 CSR 20-26.030	Human Immunodeficiency Virus (HIV) Test Consultation and Reporting	December 11, 2000
19 CSR 20-26.040	Physician Human Immunodeficiency Virus (HIV) Test Consultation and Reporting	December 11, 2000
19 CSR 20-28.040	Day Care Immunization Rule	February 22, 2001

Division of Health Standards and Licensure

19 CSR 30-60.010	Definitions Relating to Child Care Facilities	September 6, 2000
19 CSR 30-60.020	Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures	September 6, 2000
19 CSR 30-60.030	Local Inspections	September 6, 2000
19 CSR 30-60.040	Variance Requests	September 6, 2000
19 CSR 30-60.050	Staffing Requirements	September 6, 2000
19 CSR 30-60.060	Health Requirements	September 6, 2000
19 CSR 30-60.070	Responsibilities of Caregivers	September 6, 2000
19 CSR 30-60.080	Fire Safety Requirements	September 6, 2000
19 CSR 30-60.090	Sanitation Requirements	September 6, 2000
19 CSR 30-60.100	Physical Plant, Space, Supplies and Equipment	September 6, 2000
19 CSR 30-60.110	Transportation and Field Trip Requirements	September 6, 2000
19 CSR 30-60.120	Admission Procedures and Required Reports and Records	September 6, 2000
19 CSR 30-62.087	Fire Safety	September 6, 2000

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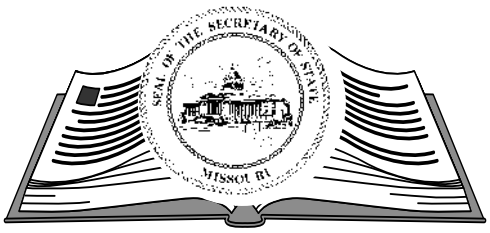

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